

JOURNAL
OF THE
House of Representatives
OF
Alabama
Session of 1939

HELD IN THE CITY OF MONTGOMERY, COMMENCING
TUESDAY, JANUARY 10, 1939

Volume II



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JOURNAL

OF THE

House of Representatives

OF

Alabama

Session of 1939

FORTY-FIRST DAY

House of Representatives,
Montgomery, Alabama,
Friday, August 25th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Hill, of the House.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Clayton	Graham	Lovlace
Allen	Cobb	Graves	Martin
Austin	Collier	Green	Mathews (Clarke)
Bagley	Cook	Gwin	Mathews (Jackson)
Ball	Cope	Hall	Mayhall
Barchard	Davis (Madison)	Hardwick	Megginson
Barnes	Dearman	Hare	Miller
Beck	Delony	Haynes	McCord
Booth	Devers	Henson	McDanal
Boswell	Dobbs	Hill	McGowin
Branyon	Dominick	Hodo	Nation
Brown (Covington)	Doster	Jenkins	Neighbors
Brown (Lee)	Ellis	Jones	Newman
Carwile	Flowers	Kaul	Norman (Bullock)
Castleberry	Garrett	Langan	Norman (Lowndes)
Chewning	Gewin	Langley	Owens
Christopher	Golson	Locke	Payne

Peacock	Sanderson	Stallings	Wallace
Petrey	Scott	Stone	Waller
Phillips	Segrest	Taylor	Welch
Pitts	Sessions	Thomas	Weston
Pool	Sherrer	Tidmore	Whigham
Quarles	Sightler	Toomer	White
Robertson (Cullman)	Smyer	Tucker	Wood
Robinson (Lowndes)	Snyder	Walden	Wright
Robinson (St. Clair)	Spence	Waldrop	Young
Sadler			

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the fortieth legislative Day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the fortieth legislative day was dispensed with and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the fortieth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Jones:

H.J.R. 98. Be it resolved by the House, the Senate concurring, that when the two houses adjourn today they adjourn to meet Tuesday, August 29th, at twelve o'clock.

On motion of Mr. Jones, the rules were suspended, and the H.J.R. No. 98 was adopted.

By Mr. Davis of Madison:

H.R. 99. Be it resolved by the House of Representatives that House Bill 874 and House Bill 805 be made a special, paramount, and continuing order for the forty second Legislative Day.

And the H. R. No. 99 was referred to the Standing Committee on Rules.

By Mr. Miller:

H.R. 100. Resolved that H. B. 470 and H. B. 723 be made Special orders for the 42nd Legislative Day.

And the H.R. 100 was referred to the Standing Committee on Rules.

By Mr. Lovelace:

H.R. 101. Be it resolved by the House that House Bill No. 501 be made a special order for the 42nd Legislative Day.

And the H.R. No. 101 was referred to the Standing Committee on Rules.

By Mr. Barchard:

H.R. 102. Be it resolved by the House of Representatives that House Bills 872 and 873 be made a special, paramount and continuing order for the 42nd Legislative Day.

And the H.R. No. 102 was referred to the Standing Committee on Rules.

Mr. Robertson of Cullman:

H.R. 103. Resolved that House Bill 798 be made a special, paramount, and continue in order for the 42nd Legislative Date.

And the H.R. No. 103 was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Castleberry (with notice and proof):

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; To fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Local Legislation No. 1.

Notice and proof H. 956.

NOTICE

Notice is hereby given of intention to apply to the regular session of the Alabama legislature, which reconvenes July 18, 1939, for passage of a local law, in substance as follows:

A bill to be entitled an act to further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh county, Alabama; to fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.
(July 20-27—Aug. 3-10—c)

STATE OF ALABAMA,
CONECUH COUNTY

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for 4 consecutive weeks in said newspaper commencing on the 20th, day of July 1939, and ending on the 10th day of August, 1939.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 14th day of August, 1939.

ESSIE MAE AYCOCK,

Notary Public.

By Mr. Castleberry (with notice and proof):

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Local Legislation No. 1.

Notice and proof H. 957:

NOTICE

Notice is hereby given of intention to apply to the 1939 regular session of the legislature of Alabama for passage of a local law for Conecuh County, in substance as follows:

A bill to be entitled an act to further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special or local, in conflict.
(July 20-27—Aug. 3-10—c)

STATE OF ALABAMA,
CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in

Evergreen, in Conecuh County, Alabama, and that the attached notice was published for 4 consecutive weeks in said newspaper commencing on the 20th day of July 1939, and ending on the 10th day of August, 1939.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 14th day of August 1939.

ESSIE MAE AYCOCK,
Notary Public.

By Mr. Jones:

H. 958. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935, Schedule 22 B.

Ways and Means.

By Mr. Jones:

H. 959. To prescribe the fees and commissions to be allowed the Tax Collectors and Tax Assessors for assessing and collecting all special County or District taxes levied for school purposes in all counties of this State having a population of not less than eighty thousand persons and not more than one hundred thousand persons, according to the last Federal Census or and subsequent Federal Census.

Ways and Means.

By Mr. Young:

H. 960. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed:

Ways and Means.

By Mr. Pitts:

H. 961. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in the several counties of the State to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

Judiciary.

By Mr. Langan:

H. 962. "To authorize, require and provide for payment of the sum of Two Thousand Four hundred Fifty-five and 20/100 Dollars (\$2,455.20) for the relief of Fred W. Clarke, said sum being the balance due to him by the State of Alabama for architectural services rendered by him in the construction of the Mobile National

Guard Armory and Drill Hall and the Prichard National Guard Armory for the State Armory Commission."

Appropriations.

By Mr. Ball:

H. 963. To amend Section 5 of an Act entitled "An Act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violation of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto," approved April 6, 1936.

Ways and Means.

By Mr. Scott:

H. 964. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Ways and Means.

By Mr. Wallace (with notice and proof):

H. 965. To further provide for the fiscal management of Wilcox County; to provide for the amortization of the outstanding obligations of Wilcox County, and the amortization of obligations of Wilcox County that may be hereafter issued.

Local Legislation No. 1

Notice and proof H. 965:

NOTICE OF A PROPOSED LOCAL ACT

TO WHOM IT MAY CONCERN:

Notice is hereby given that there will be introduced in the Legislature of Alabama, during the present regular session, a bill in substance as follows, and its passage requested:

A BILL

TO BE ENTITLED AN ACT

To further provide for the fiscal management of Wilcox County; to provide for the amortization of the outstanding obligations of Wilcox County, and the amortization of obligations of Wilcox County that may be hereafter issued.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. GAS TAX WARRANTS AND OBLIGATIONS: The following obligations shall be recognized as claims against the gas tax funds accruing to Wilcox County.

The \$53,000.00 (Fifty three thousand dollars) unpaid balance on the original \$70,000.00 (Seventy thousand dollars) in warrants issued on Sep-

tember 15, 1937 and amortized with the last warrant maturing on August 15, 1945.

The \$67,000.000 (Sixty seven thousand dollars) in warrants issued on September 1, 1938 and amortized with the last warrant maturing on September 1, 1949.

The \$227,000.00 (Two hundred and twenty seven thousand dollars) in warrants issued on June 1, 1939, and amortized with last warrant maturing on June 1, 1949.

The \$200,000.00 (Two hundred thousand dollars) in bonds issued for the construction of highways in Wilcox County on May 1, 1919 and maturing together on May 1, 1949 with the County $2\frac{1}{2}$ (Two and one half) mills Special Road and Bridge Tax levied under authority of section 215 of the Constitution of Alabama of 1901 as security.

Section 2. INTEREST ON WARRANTS AND REPEAL OF THE SPECIAL $2\frac{1}{2}$ (TWO AND ONE HALF) MILLS ROAD AND BRIDGE TAX: After the first \$100,000.00 (One hundred thousand dollars) of now existing gas tax warrants are paid the Court of County Commissioners of Wilcox County, Alabama shall discontinue the levy of $1\frac{1}{2}$ (One and one half) mills of the present $2\frac{1}{2}$ (Two and one half) mills of Special Road and Bridge Tax now levied in Wilcox County, Alabama, which is now used for the payment of interest on the \$200,000.00 (Two hundred thousand dollars) in bonds which were issued on May 1, 1919 and which mature on May 1, 1949. At the same time they shall by proper action provide for adequately supplementing the returns from the remaining one mill of Road and Bridge Tax from the gas tax funds of Wilcox County, Alabama, in order to meet the interest due on the said \$200,000.00 (Two hundred thousand dollars) in bonds. After an additional \$100,000.00 (One hundred thousand dollars) of now existing gas tax warrants are paid the said court shall discontinue the levy of the remaining 1 (One) mill of Special Road and Bridge Tax now levied in Wilcox County, Alabama. In case of an increase or surplus of the gas tax funds at any time and if at the discretion of the Court of County Commissioners, it shall by proper action provide for the payment or the proper refunding of said bonds and for the payment of the interest on the \$200,000.00 (Two hundred thousand dollars) of now existing bonds issued May 1, 1919 and maturing May 1, 1949 out of the gas tax funds of Wilcox County it shall then discontinue the $2\frac{1}{2}$ (Two and one half) mills Special Road and Bridge Tax now levied in Wilcox County, Alabama.

Section 3. VALIDITY OF ALL EXISTING LEGAL CLAIMS: Nothing in this act shall be construed as in any way affecting or invalidating any legal claims now existing against Wilcox County or in any way abridging any legal contract, agreement, or obligation heretofore entered into on behalf of Wilcox County by the governing body and all such obligations on behalf of the county shall be binding upon the Court of County Commissioners.

Section 4. STOP LIMIT ON BONDS AND THEIR AMORTIZATION: In the future the gas tax fund shall not be obligated beyond a period of 10 (Ten) years. No bonds, warrants, or other evidences of indebtedness shall be issued which are not completely amortized within such limit and the total amount of such indebtedness (except as herein set out) shall not exceed the amount that can be amortized with interest by the use of one half of the annual collection from state levied gas tax based on the amount of the collection from such taxes during the last year prior to the issuance of such warrants or evidences of indebtedness. All bonds, warrants, or evidences of indebtedness issued against the gas tax funds shall be preferred claims on this fund.

Section 5. RATE OF INTEREST. AND PROHIBITION AGAINST SELLING BELOW PAR FOR GAS TAX WARRANTS: No gas tax

bonds, warrants, or evidences of indebtedness shall bear a rate of interest above 5% (Five percent) per annum or shall be sold for less than par.

Section 6. BONDS OR WARRANTS AGAINST THE GENERAL AND SPECIAL FUNDS: No bonds or warrants or evidences of indebtedness or renewals shall in the future be issued against the general fund or any special fund except that they be amortized with interest over a period of not to exceed 20 (Twenty) years. No future bonded indebtedness shall be contracted which is greater than an amount which with interest included can be amortized with the unallocated part of the proceeds of the general or special fund to be affected. All bonds, warrants, and evidences of indebtedness which have been heretofore issued against the general or special funds derived from advalorem taxes shall take precedence ahead of any claims thereafter incurred.

Section 7. RATE OF INTEREST, PROHIBITION AGAINST SELLING BELOW PAR FOR WARRANTS OR BONDS AGAINST GENERAL OR SPECIAL FUNDS, CALLABILITY: No bonds, warrants, or evidences of indebtedness against the general or special funds of the county shall bear a rate of interest above 5% (Five per cent) per annum or shall be sold for less than par. Any bond, warrant, or other evidence of indebtedness that runs for a period of more than ten years which is hereafter issued by Wilcox County must be callable after the expiration of 10 (Ten) years and can after 10 (Ten) years be paid at any time.

Section 8. REPEALING CLAUSE: That all laws or parts of laws in conflict with this act are hereby expressly repealed.

Section 9. SEVERANCE: That if any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect any other section, clause, provision or portion of this act which is not of itself unconstitutional; and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held unconstitutional.

Section 10. EFFECTIVE DATE: That this act shall take effect immediately upon the passage and approval of this act or its otherwise becoming a law.

STATE OF ALABAMA, WILCOX COUNTY.

Before me, Gussie Jones, a Notary Public in and for said County and State personally appeared Carl M. Watts, who is known to me and who, being by me first duly sworn on oath, deposes and says:

That he is the Secretary and Treasurer of The Wilcox Progressive Era, Inc., which publishes The Wilcox Progressive Era, a newspaper which is published in Camden in Wilcox County, Alabama, and that the attached notice of Local Act to be introduced at the next regular session of the Legislature of Alabama was published for four (4) consecutive weeks in The Wilcox Progressive Era; viz: July 20, 1939; July 17, 1939; August 3, 1939; August 10, 1939, issues, 1939.

CARL M. WATTS,

Secretary and Treasurer of the Wilcox Progressive Era.

Sworn to and subscribed before me this 10 day of August, 1939.

GUSSIE JONES,

Notary Public.

My commission expires on the 17th day of Feb., 1942.

By Mr. Sessions (by request):

H. 966. To Amend Schedule 160.4 of Section 348 of "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Mr. Sadler and Mr. Wallace:

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

Appropriations.

By Mr. Sessions:

H. 968. To regulate the borrowing of money by cities having a population of one hundred thousand persons, or more, according to the last or any succeeding federal census.

Local Legislation No. 2.

By Mr. Sanderson:

H. 969. To fix the salaries of the chief clerks in the offices of the Secretary of State and State Treasurer, and to provide the manner and method of paying the same.

Appropriations.

By Mr. Wallace:

H. 970. To make an appropriation for the publication of the Alabama Official and Statistical Register.

Appropriations.

By Mr. Tucker:

H. 971. To amend Schedule 138.3 of the General Revenue Act of the Legislature approved July 10th, 1935 entitled "An Act to further provide for General Revenue of the State."

Ways and Means.

By Mr. Robinson of St. Clair:

H. 972. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the motor carrier fund and for the expenditure of said funds; and to require and provide for the giving security to the State for such taxes and to provide penalties for violation of this Act.

Ways and Means.

By Mr. Robinson of St. Clair:

H. 973. To amend Section 22, Article 6, Act No. 159 of a special session of the Legislature in 1932, entitled An Act, defining contract carriers and common carriers by motor vehicles not subject to the provisions of the Alabama Motor Carrier Act of 1931;

to authorize regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Power Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers; and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions and like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act, approved October 28, 1932.

Commerce and Common Carriers.

By Mr. Robinson of St. Clair:

H. 974. To amend an Act approved June 19, 1931, entitled the "Alabama Motor Carrier Act of 1931" and set out on pages 303 through 324 of the General Acts of Alabama for the Regular Session of 1931.

Commerce and Common Carriers.

By Mr. Mayhall:

H. 975. To repeal an Act entitled, "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this Act, with respect to any existing plant or dis-

tribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith."

Ways and Means.

By Mr. Smyer:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non resident domiciled in another state wherein such intangible property is subjected to death taxation.

Ways and Means.

By Mr. Snyder:

H. 977. Prescribing and regulating the qualifications of bail in all municipal corporations of this State of 200,000 population or more, according to the last or any subsequent federal census.

Local Legislation No. 2.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 798. To amend Section 3 of an Act entitled an Act to provide for the subordinate officers and employees of the Legislature, including the Senate and House of Representatives; to fix the number, their positions, terms of office and employment, and the mode of their selection or election; to fix the compensation of such subordinate officers and employees, and to provide how and when such compensation shall be paid; providing clerical assistants to the Secretary of the Senate and the clerk of the House, after adjournment, for the completion of the journals, and fixing the time for the filing of same in the office of the Secretary of State and delivery of copy thereof to the State printer. Providing for an information bureau for the members of the Legislature, and the public, and providing duties for the Secretary of the Senate and the Clerk of the House of Representatives, after adjournment, and to repeal An Act "To amend Section 1530 of the Code of Alabama of 1923," approved January 27, 1927, also the Act "To authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense

allowance to the President Pro-Tem of the Senate," approved February 20, 1931, and to repeal all laws and part of laws in conflict herewith. Approved March 8, 1933 (General and Local Acts, Extra Session 1933, Page 9-14).

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

(Without recommendation):

H. 721. To amend an act entitled 'An Act to further provide for the general revenue of the State of Alabama,' approved February 8, 1939, by adding to Section 'V' thereof, sub-section '(s)' as follows: '(s). The gross proceeds of the sale or sales of paper, paper bags, twine, gummed tape, paper cartons and paper products, when any of same are sold to merchants for use in merchandising other products sold by them,' and to repeal all laws or parts of laws in conflict with the provisions of this act."

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 824. To amend Schedule 102 of Section 348 of Chapter 1 of Article XIII of an act entitled "An act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Mr. Dominick, Vice Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 883. To provide for the division and distribution of the proceeds of the sales tax in certain counties.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 656. For the relief of the Pickwick Cafe, Inc. of Montgomery, Alabama, and to appropriate for the said Pickwick Cafe, Inc. the sum of \$285.93, said sum being a refund to the said Pickwick Cafe, Inc. of gross receipts taxes erroneously paid by said cafe to the State of Alabama for the months of January and February, 1937.

H. 951. To make a further appropriation of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out

of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Mr. Brown, of Covington, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 931. To provide an additional and alternative authority for the consolidation of the administration and control of the public school systems in any county of more than 55,000 population according to the last or any succeeding Federal census; to provide an additional and alternative authority for establishing a board of education in lieu of all other county and city boards of education in such counties to serve until the election of a county board of education, and to provide for the manner of the selection of a county board of education in such consolidated school systems, and to define its authority and duties.

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 357. To authorize and empower the Board of Revenue of Barbour County to consider, audit and direct payment of a claim held by J. B. Laseter, late Sheriff of said County, against the Fine and Forfeiture Fund of said County, to Lucinda Laseter, the widow of said J. B. Laseter.

S. 417. To further regulate the jurisdiction, powers, duties and compensation of the Board of Revenue of Etowah County, and to amend an Act entitled, "An Act to establish a Board of Revenue for Etowah County; to prescribe its jurisdiction and powers; to fix the compensation and provide for the election of its President and Associate Members and to abolish the Commissioners Court of Etowah County," approved Aug. 11, 1927 (1927 Local Acts 187).

H. 916. To provide for a Special Election to authorize and empower the Court of County Commissioners, Board of Revenue, or other like governing body of Jackson County, Alabama, to levy and collect an excise tax of not more than three (3) cents per gal-

lon on every gallon of gasoline, woco-pep, benzine, naptha, or any substitute therefor, sold in said County for a period of four (4) years, to be determined from the date of the first levy of said excise tax by said Court of County Commissioners, Board of Revenue, or other like governing body of said County; to provide for the conducting of said election; to authorize the Court of County Commissioners, Board of Revenue, or other like governing body of said County, to pay the expenses of said election; to authorize said Court of County Commissioners, Board of Revenue, or other like governing body of said County, to provide the necessary machinery for the collection of said excise tax; to make provision for the distribution of said tax; to prohibit any incorporated city or town in said County from levying a municipal tax on gasoline, woco-pep, benzine, naptha, or any substitute therefor; to repeal the municipal taxes on said gasoline, woco-pep, benzine, naptha, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said excise tax, and to provide a penalty for the failure to pay said tax in accordance with the requirements of the Court of County Commissioners, Board of Revenue, or other like governing body of said County.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 942. To amend an act approved August 28, 1935, entitled "An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to

repeal all laws and parts of laws inconsistent with the provisions hereof", as amended by an Act approved March 17, 1939, entitled "An Act To amend an Act entitled 'An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority to such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and the rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof'".

S. 307. To alter and re-arrange the boundaries of the Town of Pleasant Grove; to provide for an election to submit to the qualified voters of the territory to be annexed to said Town of Pleasant Grove for their approval or rejection of such alteration and re-arrangement.

Mr. Ellis, Chairman of the Standing Committee on Municipal Organization, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 915. To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be organized since the adoption of the 1901 Constitution of Alabama, which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government.

H. 950. To provide for the time of payment of the salaries of all officers and employees of cities and towns in this state having a population of more than 16,500 and under 22,000 people, according to the last, or any succeeding Federal census.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 803. To amend Section 4622 of the Code of Alabama, 1923.

H. 953. To provide for a moratorium in relation to the foreclosure of mortgages, the enforcement of vendor's liens and other liens on real or personal property in the State of Alabama, given to secure the repayment of advances or sales made for the purpose of growing or producing, or assisting in the growth or production, of crops or other agricultural products.

S. 320. To Amend an act entitled "An Act to authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service", approved September 14, 1935, as amended by an act entitled "An Act to amend Sections 5 and 12 of an act approved September 14, 1935 entitled 'An Act to authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service'" approved April 21, 1936, by adding thereto a new section to be numbered "Section 12½" making the provisions of sections 8319 to 8554 (31), inclusive, of the Code of Alabama of 1923 and any amendments thereto and any other statutes of this State applying to insurance companies inapplicable to any corporation organized under the provisions of said Act as amended, or to any contract made by such corporation, and to amend Sections 4, 11 and 12 of said act as amended.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 802. To amend Section 3738 of the Code of Alabama, 1923.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House without recommendation:

(Without recommendation):

H. 634. To amend Section 1 of an Act entitled "An Act to authorize the Governor to remove and discharge with or without cause any person who holds office or employment, in any of the state executive departments or agencies, by virtue of appointment by the incumbent Governor or any preceding Governor." approved February 1, 1939.

(Without recommendation):

H. 635. To amend Section 2697 of the Code of Alabama, 1923.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 917. To adopt a Code of Laws for the State of Alabama.

H. 918. To Amend Sections 3456 And 3457 Of The Code Of Alabama Of 1923 As Amended By An Act Of The Legislature Entitled "An Act To Amend Sections 3456 and 3457 Of The Code Of Alabama Of 1923, By Making Such Sections Applicable To All Subordinate Or Under-Officers, Employees And Agents Of The Chief Officers Now Mentioned In Said Sections", (General Acts of 1935, page 178), To Make Said Sections Apply To Any Public Officer, Agent, Or Employee, State, County, Municipal, Or Otherwise, Either Before Or After His Election, And To Fix the Punishment For Violations Thereof.

H. 920. To Amend Section 3469 Of The Code Of Alabama Of 1923 To Provide For Bribing A Witness To Absent Himself From Trial.

H. 926. To authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

H. 940. To provide for the exemption from levy, attachment, or execution under writs or other process for the collection of debts contracted or judgments rendered in torts of all farmers, laborers,

and artisans tools and the instruments of physicians and library of attorneys to the value of \$200.00,

H. 944. To authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

By Mr. Dominick:

H. 955. To provide for the repurchase by the Alabama Alcoholic Beverage Control Board of alcoholic beverages which were originally sold by it, but which such alcoholic beverages subsequently have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation; to provide for the resale of such alcoholic beverages by the Alabama Alcoholic Beverage Control Board; and to provide for the disposition of the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation.

The above and foregoing bills were severally read a second time and placed on the Calendar.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 910. A Bill to be entitled an Act to submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the

method and basis of their compensation, in each of the following named counties: Cherokee, Tallapoosa.

Be it Enacted by the Legislature of Alabama:

SECTION 1: That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, in the following named counties: Cherokee, Tallapoosa.

SECTION 2: That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

SECTION 3: That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such elections shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama "The Legislature of Alabama may hereafter, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method of basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation in the following named counties: Cherokee, Tallapoosa.

Yes....., No....." The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

SECTION 4: That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

SECTION 5: The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections, except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

The above and foregoing bill, H. 910, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

H. 914. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to be known as "Article XXXVI" providing for the establishment of a Constitutional Minimum School Program Trust Fund for the purpose of equalizing educational opportunities and supporting at least an eight months' term in the public elementary and high schools of the State; and to order an election for the qualified voters of the State of Alabama upon such proposed amendment to be held at the next general election held after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the manner of holding of said election.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors in the State of Alabama upon the proposed amendment and the day appointed for the said election is the date of the holding of the next general election held after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 1. This article is to be known as Article XXXVI establishing a Constitutional Minimum School Program Trust Fund.

"Section 2. The Legislature at each regular session after the adoption of this amendment shall establish a Constitutional Minimum School Program Trust Fund for the purpose of equalizing educational opportunities and supporting at least an eight months' term in the public elementary and high schools of the State.

Section 3. Such fund shall be in an amount of not less than \$3.12 per pupil per month based on the average daily attendance in such public schools for the school year next preceding the convening of each regular session of the Legislature. The Legislature shall add to or increase such fund above such constitutional minimum from time to time as the needs of the schools and the condition of the Treasury may justify.

"Section 4. The Constitutional Minimum School Program Trust Fund shall include all funds available in the Constitutional Public School Fund and all funds available in the Minimum School Program Fund paid from the Special Educational Trust Fund revenues for the use of the elementary and high schools of the State, and there is hereby set aside from the General Fund such additional revenue as shall make such Minimum School Program Trust Fund amount to the constitutional minimum of \$3.12 per month per pupil for eight months per year.

"Section 5. The Constitutional Public School Fund of the State shall be apportioned and distributed as now provided by the Constitution and all of the remainder of the Minimum School Program Trust Fund shall be allocated and administered in accordance with the State Minimum Program Fund Law for the purpose of equalizing educational opportunities and providing a minimum school term throughout the State or as the said Minimum Program Fund Law may be amended from time to time by the Legislature as conditions may warrant, provided, however, that no section or part of such law shall operate to prevent the equalization of educational opportunities in the State.

"Section 6. The provisions of this amendment shall go into effect at the convening of the regular session of the Legislature next after its adoption by the vote of the people and shall govern the acts of every succeeding Legislature."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election, there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama:

"Section 1. This article is to be known as Article XXXVI establishing a Constitutional Minimum School Program Trust Fund.

"Section 2. The Legislature at each regular session after the adoption of this amendment shall establish a Constitutional Minimum School Program Trust Fund for the purpose of equalizing educational opportunities and supporting at least an eight months' term in the public elementary and high schools of the State.

"Section 3. Such fund shall be in an amount of not less than \$3.12 per pupil per month based on the average daily attendance in such public schools for the school year next preceding the convening of each regular session of the Legislature. The Legislature shall add to or increase such fund above such constitutional minimum from time to time as the needs of the schools and the conditions of the Treasury may justify.

"Section 4. The Constitutional Minimum School Program Trust Fund shall include all funds available in the Constitutional Public School Fund and all funds available in the Minimum School Program Fund paid from the Special Educational Trust Fund revenues for the use of the elementary and high schools of the State, and there is hereby set aside from the General Fund such additional revenue as shall make such Minimum School Program Fund amount to the constitutional minimum of \$3.12 per month per pupil for eight months per year.

"Section 5. The Constitutional Public School Fund of the State shall be apportioned and distributed as now provided by the Constitution and all of the remainder of the Minimum School Program Trust Fund shall be allocated and administered in accordance with the State Minimum Program Fund Law for the purpose of equalizing educational opportunities and providing a minimum school term throughout the State or as the said Minimum Program Fund Law may be amended from time to time by the Legislature as conditions may warrant, provided, however, that no section or part of such law shall operate to prevent the equalization of educational opportunities in the State.

"Section 6. The provisions of this amendment shall go into effect at the convening of the regular session of the Legislature next after its adoption by the vote of the people and shall govern the acts of every succeeding Legislature.

"Yes (.....)

No (.....)"

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold general elections held in this State, and the election shall be held in all things in accordance with this Act, the law governing elections, and constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State and counties in the same manner as in elections of Representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 914, proposing an amendment to the Constitution, was read a second time at length, and placed on the calendar.

H. 925. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, authorizing the issuance of not exceeding \$900,000 of bonds for the purpose of paying or retiring certain bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it enacted by the Legislature of Alabama :

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Ten-

nessee River between Lauderdale and Colbert Counties and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee. The bonds hereby authorized shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and said bonds shall be additionally secured by a pledge of the gasoline excise tax pledged to the payment of the highway bonds authorized by the Amendment to the Constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to the payment of said highway bonds. Interest on the bonds hereby authorized shall not exceed three per centum (3%) per annum, payable semi-annually, and said bonds shall not be sold at less than the par value thereof, said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of their issuance, and shall have such other terms and conditions as may be provided by law.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such elections.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee. The bonds hereby authorized shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and said bonds shall be additionally secured by a pledge of the gasoline excise tax pledged to the payment of the highway bonds authorized by the Amendment to the Constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline

tax to the payment of said highway bonds. Interest on the bonds hereby authorized shall not exceed three per centum (3%) per annum, payable semi-annually, and said bonds shall not be sold at less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of their issuance, and shall have such other terms and conditions as may be provided by law."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 925, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

H. 943. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama (1) authorizing the issuance of not exceeding \$5,000,000 of bonds for the purpose of refunding certain bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, outstanding on July 1, 1939, (2) authorizing the Governor to negotiate certain temporary loans in addition to those authorized by Section 213 of the Constitution, as amended, in anticipation of the collection of taxes by the State, for the purpose of providing funds for the prompt payment of the expenses of the State government, and (3) prohibiting the incurring of obligations by agencies of the State, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and said bonds shall be additionally secured by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor is hereby authorized to negotiate during any fiscal year, temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year, and excluding taxes pledged for bonds and interest thereon maturing during that fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and shall not be removed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and

shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected and shall be available for payment. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and said bonds shall be additionally secured by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the Constitution known as Article XX-A, subject,

however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor is hereby authorized to negotiate during any fiscal year, temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year, and excluding taxes pledged for bonds and interest thereon maturing during that fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenues or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected and shall be available for payment. Any such debt or obli-

gation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

Following the proposed amendment on the ballot shall be printed the word "YES" and immediately under that shall be printed the word "NO". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

SECTION 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 943, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

BILL INDEFINITELY POSTPONED

On motion of Mr. Lovelace, the bill, H. 500, was indefinitely postponed.

BILLS ON THIRD READING

H. 662. To amend Section 7 of an Act, entitled An Act to establish the Inferior Court of Autauga County, Alabama, in lieu of all Justices of the Peace and Notaries Public Ex-Officio Justices of the Peace, in Prattville Precinct, or Precinct No. 1, of Autauga County, Alabama; to define the jurisdiction and powers of said Court and the Judge thereof, and other officers of said Court, and the manner of their appointment or election, the payment of their salaries, approved September 26th, 1923, as appears in Local Acts, 1923 at pages 224 et seq., as amended by an Act approved June 27th, 1935, as the same appears in Local Acts, 1935 at pages 82 et

seq., as amended by an Act approved February 2nd, 1937, as the same appears in Local Acts, Extra Session, 1936-1937 at pages 38 et seq.,

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Jenkins	Scott
Allen	Flowers	Jones	Segrest
Booth	Garrett	Kaul	Sessions
Boswell	Gewin	Miller	Sherrer
Branyon	Golson	McCord	Sightler
Carwile	Graham	McDanal	Smyer
Castleberry	Graves	McGowin	Snyder
Chewning	Green	Nation	Spence
Christopher	Gwin	Neighbors	Stallings
Clayton	Hall	Newman	Stone
Cobb	Hardwick	Owens	Taylor
Collier	Hare	Payne	Thomas
Cook	Haynes	Phillips	Tidmore
Cope	Henson	Pitts	Toomer
Dobbs	Hill	Pool	Tucker
Dominick	Hodo	Quarles	Walden
Doster			

—65

On motion of Mr. Doster the bill, H. 662, was ordered sent forthwith to the Senate without engrossment.

H. 859. To abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing, and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gwin	Miller	Sanderson
Bagley	Hall	McCord	Scott
Barchard	Hardwick	McDanal	Segrest
Boswell	Hare	McGowin	Sessions
Branyon	Haynes	Owens	Sherrer
Carwile	Henson	Payne	Sightler
Clayton	Hill	Peacock	Smyer
Dearman	Hodo	Petrey	Tucker
Delony	Jenkins	Phillips	Walden
Devers	Jones	Pitts	Waldrop
Doster	Kaul	Pool	Wallace
Ellis	Langan	Quarles	Waller
Gewin	Langley	Robertson (Cullman)	Welch
Golson	Locke	Robinson (Lowndes)	Weston
Graham	Lovelace	Robinson (St. Clair)	Wright
Graves	Martin	Sadler	Young
Green			

—65

On motion of Mr. Robertson the bill, H. 859, was ordered sent forthwith to the Senate without engrossment.

H. 866. To amend Section 111 and Section X of an act entitled "An Act to create a County Board of Equalization in and for each of the sixty-seven counties of the State; To provide for the manner of selecting the members of such Board; to provide for the appointment, the term of office and compensation of such members; To provide the powers, rights, authority and duties of said County Boards of Equalization and the members thereof; to provide a secretary for each of said Boards of Equalization; To abolish the several County Boards of Review, as now or heretofore created, and to repeal all laws in conflict with this Act" approved March 15th, 1939, so as to authorize certain County Boards of Equalization to employ assistants and to make inventory of property in certain counties.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Locke	Sherrer
Allen	Devers	Lovelace	Sightler
Austin	Dobbs	Martin	Smyer
Bagley	Dominick	Mathews (Clarke)	Snyder
Ball	Doster	Mathews (Jackson)	Stallings
Barchard	Garrett	Mayhall	Taylor
Barnes	Gewin	Megginsin	Thomas
Beck	Green	Miller	Wallace
Booth	Gwin	McCord	Waller
Boswell	Hardwick	McDanal	Welch
Branyon	Hodo	McGowin	Weston
Castleberry	Jenkins	Petrey	Whigham
Chewning	Jones	Phillips	White
Christopher	Kaul	Scott	Wood
Clayton	Langan	Segrest	Wright
Cobb	Langley	Sessions	Young
Dearman			

—65

On motion of Mr. Smyer the bill, H. 866, was ordered sent forth-with to the Senate without engrossment.

H. 868. To authorize County Boards of Equalization or other like boards or agencies with final authority to fix the value of property for the purposes of taxation in counties having a population of 200,000 or more, according to the last or any subsequent Federal census, to provide for the inventory and appraisal of all taxable property in such counties; to provide for the payment of the cost and expenses of such inventories and the proration thereof as between the State, such counties, and the municipalities and the boards of education in such counties; to abolish all boards of inventory in said counties, and to transfer all books, records, files, and equipment of said boards, to the County Board of Equalization.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Clayton	Green	Payne
Allen	Cobb	Gwin	Peacock
Austin	Collier	Hall	Petrey
Bagley	Cook	Hardwick	Sadler
Ball	Cope	Hare	Sanderson
Barchard	Davis (Madison)	Haynes	Smyer
Barnes	Dobbs	Henson	Snyder
Beck	Dominick	Hill	Spence
Booth	Doster	Hodo	Stallings
Boswell	Ellis	Jenkins	Stone
Branyon	Flowers	Jones	Taylor
Brown (Covington)	Garrett	Kaul	Thomas
Brown (Lee)	Gewin	McCord	Tidmore
Carwile	Golson	Nation	Waldrop
Castleberry	Graham	Neighbors	Welch
Chewning	Graves	Owens	Weston
Christopher			

—65

On motion of Mr. Smyer the bill, H. 868, was ordered sent forth-with to the Senate without engrossment.

H. 870. To permit delicatessen stores in all cities having a population of two hundred thousand or more, according to the last, or any subsequent Federal census, to remain open on Sunday; To define delicatessen stores, and to provide for the regulation thereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Mathews (Clarke)	Robinson (St. Clair)
Allen	Graham	Matthews (Jackson)	Sadler
Austin	Graves	Mayhall	Sanderson
Bagley	Green	Megginson	Sightler
Ball	Gwin	Miller	Smyer
Barchard	Hall	McCord	Snyder
Barnes	Hill	McDana1	Tidmore
Beck	Hodo	McGowin	Toomer
Brown (Lee)	Jenkins	Peacock	Tucker
Carwile	Jones	Petrey	Walden
Castleberry	Kaul	Phillips	Waldrop
Chewning	Langan	Pitts	Wallace
Christopher	Langley	Pool	Waller
Dearman	Locke	Quarles	Welch
Delony	Lovelace	Robertson (Cullman)	Weston
Devers	Martin	Robinson (Lowndes)	Whigham
Gewin			

—65

On motion of Mr. Smyer the bill, H. 870, was ordered sent forthwith to the Senate without engrossment.

H. 871. To amend Sections 4, 5 and 6 of an act entitled an act "to provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census", approved April 21st, 1936, so as to provide for the filing of protests to the valuation fixed by the Board of Equalization by any owner, or any person having any interest in any property and to provide for the time, place, hearing and filing of said protests and to authorize the Tax Assessor to provide the forms for claims of homestead exemption and the claiming of said homestead exemption.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Green	Megginson	Segrest
Booth	Gwin	Miller	Sessions
Boswell	Hall	McCord	Sherrer
Branyon	Haynes	McDana1	Sightler
Clayton	Henson	McGowin	Smyer
Cobb	Hill	Nation	Snyder
Collier	Hodo	Neighbors	Spence
Cook	Kaul	Newman	Stallings
Cope	Langan	Pitts	Stone
Davis (Madison)	Langley	Pool	Taylor
Dearman	Locke	Robertson (Cullman)	Welch
Delony	Lovelace	Robinson (Lowndes)	Weston
Devers	Martin	Robinson (St. Clair)	Whigham
Dobbs	Mathews (Clarke)	Sadler	White
Dominick	Matthews (Jackson)	Sanderson	Wood
Graham	Mayhall	Scott	Young
Graves			

—65

On motion of Mr. Smyer, the bill, H. 871, was ordered sent forthwith to the Senate without engrossment.

H. 807. To amend Section 15 of an Act entitled an Act, "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Was read a third time at length and passed.

Yeas, 65; Nays, 1.

Yeas:

Mr. Speaker	Dominick	Hill	Payne
Allen	Doster	Hodo	Peacock
Austin	Ellis	Jenkins	Petrey
Bagley	Flowers	Jones	Phillips
Ball	Garrett	Kaul	Pitts
Barchard	Gewin	Langan	Pool
Barnes	Golson	Langley	Quarles
Beck	Graham	Megginson	Scott
Booth	Graves	Miller	Taylor
Boswell	Green	McCord	Toomer
Branyon	Gwin	McDanal	Tucker
Clayton	Hall	McGowin	Walden
Cobb	Hardwick	Nation	Wallace
Collier	Hare	Neighbors	Waller
Cook	Haynes	Newman	Welch
Cope	Henson	Owens	Weston
Dobbs			

—65

Nays: Mr. Stone

— 1

On motion of Mr. Langan the bill, H. 807, was ordered sent forthwith to the Senate without engrossment.

H. 876. To amend Section Two of an Act of the Legislature approved July 9th, 1927 entitled "An Act to provide for the appointment of deputy clerks for the Inferior Criminal Court of Mobile

County; To prescribe the duties and fix the compensation and salary of such clerks."

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Hodo	Peacock
Allen	Doster	Jenkins	Petrey
Austin	Ellis	Jones	Phillips
Bagley	Flowers	Kaul	Pitts
Ball	Garrett	Langan	Pool
Barchard	Gewin	Langley	Quarles
Barnes	Golson	Megginsin	Scott
Beck	Graham	Miller	Stone
Booth	Graves	McCord	Tidmore
Boswell	Green	McDanal	Toomer
Branyon	Gwin	McGowin	Tucker
Clayton	Hall	Nation	Walden
Cobb	Hare	Neighbors	Wallace
Collier	Haynes	Newman	Waller
Cook	Henson	Owens	Welch
Cope	Hili	Payne	Weston
Dobbs			

—65

On motion of Mr. Stone the bill, H. 876, was ordered sent forthwith to the Senate without engrossment.

H. 877. To amend Section One of an Act of the Legislature approved March 28th, 1933, entitled "An Act to reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County."

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Locke	Spence
Bagley	Dobbs	Mayhall	Stallings
Ball	Dominick	Megginsin	Stone
Barchard	Doster	Miller	Taylor
Barnes	Ellis	McCord	Thomas
Brown (Lee)	Graham	McDanal	Tidmore
Carwile	Graves	McGowin	Toomer
Castleberry	Haynes	Norman (Bullock)	Tucker
Chewning	Hill	Norman (Lowndes)	Walden
Christopher	Henson	Owens	Waldrop
Clayton	Hodo	Payne	Wallace
Cobb	Jenkins	Peacock	Whigham
Collier	Jones	Petrey	White
Cook	Kaul	Phillips	Wood
Cope	Langan	Pitts	Wright
Dearman	Langley	Sanderson	Young
Delony			

—65

On motion of Mr. Stone the bill, H. 877, was ordered sent forthwith to the Senate without engrossment.

H. 901. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and fix their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act "To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government" Approved March 4, 1931," approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classifica-

tion is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	Owens	Snyder
Ball	Garrett	Payne	Spence
Barchard	Gewin	Peacock	Stallings
Barnes	Golson	Petrey	Stone
Beck	Graham	Phillips	Taylor
Chewning	Graves	Pitts	Thomas
Christopher	Green	Pool	Tidmore
Clayton	Gwin	Quarles	Toomer
Cobb	Hall	Sadler	Tucker
Collier	Langley	Sanderson	Wallace
Cook	Mathews (Clarke)	Scott	Waller
Cope	Matthews (Jackson)	Segrest	Welch
Davis (Madison)	Nation	Sessions	White
Dearman	Neighbors	Sherrer	Wood
Delony	Norman (Bullock)	Sightler	Wright
Devers	Norman (Lowndes)	Smyer	Young
Dominick			

—65

On motion of Mr. Sightler the bill, H. 901, was ordered sent forthwith to the Senate without engrossment.

H. 601. To pay the City of Marion for paving around the Perry County High School.

Was read a third time at length and passed.

Yeas, 80; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Jones	Peacock
Bagley	Dominick	Kaul	Petrey
Ball	Doster	Langan	Phillips
Beck	Garrett	Langley	Pitts
Booth	Gewin	Locke	Pool
Branyon	Golson	Martin	Robertson (Cullman)
Brown (Covington)	Graves	Mayhall	Robinson (Lowndes)
Brown (Lee)	Green	Megginsin	Robinson (St. Clair)
Castleberry	Gwin	Miller	Sadler
Chewning	Hall	McDanal	Sanderson
Clayton	Hardwick	Nation	Scott
Cobb	Hare	Neighbors	Sessions
Cook	Haynes	Newman	Sherrer
Cope	Henson	Norman (Bullock)	Sightler
Davis (Madison)	Hill	Norman (Lowndes)	Smyer
Dearman	Jenkins	Payne	Snyder

Spence
Stallings
Stone
Thomas

Tidmore
Toomer
Tucker
Walden

Waldrop
Wallace
Waller
Welch

White
Wood
Wright
Young

—80

On motion of Mr. Locke the bill, H. 601, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Bill and ordered same sent forthwith to the House.

By Mr. Young:

S. 344. To protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

Also:

By Mr. Holmes:

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this State.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Forestry and Conservation, S. 344; and S. 347.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 297. To amend Section 19 of an Act approved July 27th, 1931, as shown by Local Acts of 1931 beginning on page 258 thereof, "To create and establish a Board of Revenue in and for Lime-

stone County, Alabama, to be composed of five members, one of whom shall be Chairman of said board; to fix the qualifications of the Chairman and the members of said board; to provide where the Chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act," by providing that the members of the Board of Revenue of said County shall devote their entire time to the performance of the duties of their office and also providing for additional duties and extra services to be rendered by said members of the Board of Revenue and providing for an increase in salary to be paid to them and how and out of what funds said salaries will be paid.

Also:

S. 176. To provide an appropriation for the construction and repair of buildings and for equipment of the Partlow State School for Mental Deficients and to provide when same shall be paid.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. Clayton:

S. 178. To fix the salary of the Clerk of the Court of Appeals of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 178.

BILLS ON THIRD READING

H. 878. To fix the Compensation or salary to be paid the Tax Assessor of Morgan County, Alabama, and to regulate the payment of the same; To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the tax assessor of Morgan County, Alabama, and to require of the Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said tax assessor of Morgan County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker
Bagley
Barnes
Beck
Booth
Carwile
Castleberry
Clayton
Cobb

Dearman
Delony
Devers
Dobbs
Dominick
Doster
Ellis
Flowers
Gwin

Hall
Hardwick
Hare
Haynes
Henson
Hill
Hodo
Lovelace
Martin

Mathews (Clarke)
Matthews (Jackson)
Mayhall
Megginson
McGowin
Nation
Neighbors
Newman
Owens

Payne	Segrest	Stone	Wallace
Peacock	Sessions	Thomas	Waller
Petrey	Sherrer	Tidmore	Welch
Phillips	Sightler	Toomer	Weston
Pitts	Smyer	Tucker	Wood
Pool	Snyder	Walden	Wright
Quarles	Stallings	Waldrop	Young
Scott			

—65

On motion of Mr. Thomas the bill, H. 878, was ordered sent forthwith to the Senate without engrossment.

H. 879. To fix the compensation or salary to be paid the tax collector of Morgan County, Alabama, and to regulate the payment of the same; To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Tax Collector of Morgan County, Alabama, and to require said tax collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said Tax Collector of Morgan County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Hare	McCord	Sightler
Allen	Haynes	McDanal	Smyer
Barnes	Henson	McGowin	Snyder
Beck	Hill	Nation	Spence
Booth	Hodo	Neighbors	Stallings
Boswell	Jenkins	Newman	Stone
Branyon	Jones	Owens	Taylor
Chewning	Kaul	Payne	Thomas
Christopher	Langan	Pool	Tidmore
Clayton	Langley	Quarles	Toomer
Cobb	Locke	Sadler	Tucker
Cook	Lovelace	Sanderson	Walden
Cope	Martin	Scott	Waldrop
Dobbs	Mayhall	Segrest	Wallace
Dominick	Meggins	Sessions	Waller
Doster	Miller	Sherrer	Welch
Ellis			

—65

On motion of Mr. Thomas the bill, H. 879, was ordered sent forthwith to the Senate without engrossment.

S. 301. To provide the Sheriff of Talladega County, Alabama, an additional Deputy Sheriff to those now provided by law; to fix the salary of said deputy and to make the same payable in equal

monthly installments from the general funds of Talladega County; to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Kaul	Scott
Allen	Dearman	Langan	Segrest
Austin	Delony	Langley	Sessions
Bagley	Devers	Locke	Toomer
Ball	Dobbs	Lovelace	Tucker
Barchard	Dominick	Martin	Walden
Barnes	Doster	Mayhall	Waldrop
Beck	Ellis	Megginson	Wallace
Booth	Flowers	Owens	Waller
Boswell	Graves	Payne	Welch
Branyon	Green	Peacock	Weston
Chewning	Gwin	Petrey	Whigham
Christopher	Hall	Phillips	White
Clayton	Hodo	Pitts	Wood
Cobb	Jenkins	Pool	Wright
Cook	Jones	Quarles	Young
Cope			

—65

S. 322. To prescribe the duties and fix the compensation of the Coroner of Talladega County, Alabama, and to provide for payment of same.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Jones	Scott
Bagley	Dominick	Kaul	Segrest
Ball	Garrett	Langan	Sessions
Barchard	Gewin	Langley	Sherrer
Barnes	Golson	Locke	Sightler
Boswell	Graham	Lovelace	Spence
Branyon	Graves	Martin	Stallings
Brown (Covington)	Green	Miller	Stone
Brown (Lee)	Gwin	McCord	Waldrop
Carwile	Hall	Nation	Wallace
Castleberry	Hare	Neighbors	Waller
Chewning	Haynes	Owens	Welch
Christopher	Henson	Payne	Weston
Collier	Hill	Petrey	White
Cook	Hodo	Pool	Wood
Cope	Jenkins	Sadler	Wright
Davis (Madison)			

—65

H. 813. To provide for the fixing of the salary or compensation of the members of the Jury Commission of Walker County, Alabama, and the Clerk of said Commission.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Hill	Robertson (Cullman)
Allen	Dobbs	Hodo	Robinson (Lowndes)
Austin	Dominick	Jenkins	Robinson (St. Clair)
Ball	Doster	Mathews (Clarke)	Sanderson
Barchard	Ellis	Matthews (Jackson)	Scott
Barnes	Flowers	Mayhall	Sessions
Booth	Garrett	Megginsin	Sightler
Boswell	Gewin	Miller	Smyer
Branyon	Golson	McDanal	Stallings
Brown (Covington)	Graham	Norman (Bullock)	Stone
Brown (Lee)	Gwin	Norman (Lowndes)	Waldrop
Collier	Hall	Owens	Wallace
Cook	Hardwick	Payne	Waller
Cope	Hare	Peacock	Welch
Davis (Madison)	Haynes	Petrey	Weston
Dearman	Henson	Quarles	Wright
Delony			

—65

On motion of Mr. Scott the bill, H. 813, was ordered sent forthwith to the Senate without engrossment.

H. 814. To amend an Act, entitled "An Act," "To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office, approved April 11, 1933."

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Langley	Scott
Allen	Dobbs	Locke	Segrest
Austin	Dominick	Lovellace	Sessions
Bagley	Doster	Martin	Sherrer
Ball	Ellis	Mathews (Clarke)	Sightler
Barchard	Garrett	Matthews (Jackson)	Smyer
Barnes	Gewin	Mayhall	Snyder
Beck	Golson	Megginsin	Spence
Booth	Graham	Miller	Stallings
Boswell	Graves	McCord	Stone
Branyon	Green	McDanal	Taylor
Clayton	Gwin	McGowin	Thomas
Cobb	Hall	Nation	Tidmore
Cook	Jones	Neighbors	Toomer
Cope	Kaul	Newman	Tucker
Dearman	Langan	Quarles	Walden
Delony			

—65

On motion of Mr. Scott the bill, H. 814, was ordered sent forthwith to the Senate without engrossment.

H. 891. To amend Sections 4 and 5 of an Act entitled "An Act to provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said County and to prescribe his duties and compensation."

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Langley	Scott
Allen	Dobbs	Locke	Segrest
Austin	Dominick	Lovelace	Sessions
Bagley	Doster	Martin	Sherrer
Ball	Ellis	Mathews (Clarke)	Sightler
Barchard	Flowers	Matthews (Jackson)	Smyer
Barnes	Gewin	Mayhall	Snyder
Beck	Golson	Megginson	Spence
Booth	Graham	Miller	Stallings
Boswell	Graves	McCord	Stone
Branyon	Green	McDanal	Taylor
Clayton	Gwin	McGowin	Thomas
Cobb	Hall	Nation	Tidmore
Cook	Jones	Neighbors	Toomer
Cope	Kaul	Newman	Tucker
Dearman	Langan	Quarles	Walden
Delony			

—65

On motion of Mr. Scott the bill, H. 891, was ordered sent forthwith to the Senate without engrossment.

S. 401. For the relief of Miss S. L. Cochran and Miss E. E. Cochran.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Jones	Peacock
Allen	Delony	Kaul	Phillips
Austin	Devers	Langan	Pitts
Bagley	Dobbs	Langley	Sadler
Ball	Dominick	Locke	Smyer
Barchard	Doster	Lovelace	Snyder
Barnes	Ellis	Martin	Spence
Beck	Flowers	Mathews (Clarke)	Stallings
Booth	Garrett	Matthews (Jackson)	Stone
Brown (Covington)	Gewin	Mayhall	Taylor
Brown (Lee)	Golson	Megginson	Thomas
Carwile	Graham	Miller	Tidmore
Castleberry	Graves	McCord	Waldrop
Cobb	Green	Nation	Wallace
Collier	Hardwick	Neighbors	Whigham
Cope	Jenkins	Payre	Young
Davis (Madison)			

—65

S. 402. For the relief of Miss S. L. Cochran and Miss E. E. Cochran.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Hodo	Owens
Ball	Devers	Jenkins	Pool
Barchard	Flowers	Jones	Quarles
Barnes	Garrett	Kaul	Robertson (Cullman)
Beck	Gewin	Locke	Robinson (Lowndes)
Booth	Golson	Lovelace	Robinson (St. Clair)
Boswell	Graham	Martin	Sadler
Branyon	Graves	Miller	Segrest
Brown (Covington)	Green	McCord	Spence
Christopher	Gwin	McDanal	Thomas
Clayton	Hall	McGowin	Tidmore
Cobb	Hardwick	Nation	Wallace
Collier	Hare	Neighbors	Waller
Cook	Haynes	Newman	Welch
Cope	Henson	Norman (Bullock)	Weston
Davis (Madison)	Hill	Norman (Lowndes)	Whigham
Dearman			

—65

H. 885. To relieve all persons in Wilcox County, Alabama, of any legal duty or obligation to work on the public roads in said County, or to pay any money in lieu of such obligation to work on the public roads in Wilcox County, Alabama; and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	McCord	Taylor
Barnes	Gewin	McDanal	Thomas
Beck	Golson	McGowin	Tidmore
Booth	Gwin	Nation	Toomer
Boswell	Hall	Neighbors	Tucker
Branyon	Henson	Newman	Walden
Brown (Covington)	Hill	Petrey	Waldrop
Brown (Lee)	Hodo	Phillips	Wallace
Carwile	Jenkins	Pitts	Waller
Castleberry	Jones	Pool	Welch
Chewning	Kaul	Quarles	Weston
Christopher	Langan	Robertson (Cullman)	Whigham
Clayton	Langley	Robinson (Lowndes)	White
Cobb	Locke	Robinson (St. Clair)	Wood
Collier	Lovelace	Sadler	Wright
Cook	Miller	Sanderson	Young
Cope			

—65

On motion of Mr. Sadler the bill, H. 885, was ordered sent forthwith to the Senate without engrossment.

H. 760. To provide for the salary or compensation of the County Superintendent of Education of Winston County, said compensation to be paid as now provided by the General School Laws of the State of Alabama; said compensation or salary to be not less than twelve hundred dollars or more than twenty-four hundred dollars per annum, and to provide for the date said Act shall become effective, and to repeal all laws, general, special or local, in conflict with the provisions of said Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Lovelace	Scott
Bagley	Garrett	Martin	Segrest
Ball	Gewin	Mathews (Clarke)	Sessions
Barnes	Gwin	Matthews (Jackson)	Sherrer
Booth	Hardwick	Mayhall	Smyer
Brown (Covington)	Hare	Megginson	Snyder
Brown (Lee)	Haynes	McDanal	Spence
Carwile	Henson	McGowin	Toomer
Castleberry	Hill	Nation	Walden
Cook	Hodo	Neighbors	Wallace
Cope	Jenkins	Newman	Welch
Davis (Madison)	Jones	Norman (Bullock)	Weston
Dearman	Kaul	Norman (Lowndes)	White
Delony	Langan	Owens	Wood
Devers	Langley	Quarles	Wright
Dominick	Locke	Sadler	Young
Doster			

—65

On motion of Mr. Mayhall the bill, H. 760, was ordered sent forthwith to the Senate without engrossment.

H. 849. To submit to the qualified electors of the State of Alabama, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to fix the salaries of the following named County Officers of Dallas County subject to the provisions of Section 281 of the Constitution of Alabama as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the pay-

ment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Was taken up. Mr. Hare offered the following amendment to the bill, H. 849:

AMENDMENT TO H. 849, BY MR. HARE

Amend H. B. 849 by striking from Section 2 of said bill the word "eight" and substituting therefor the word "four".

And the amendment offered by Mr. Hare to the bill, H. 849, was adopted.

Yeas, 86; Nays, 0.

Yeas:

Mr. Speaker	Cook	Hardwick	Mayhall
Allen	Cope	Hare	Meggins
Bagley	Davis (Madison)	Haynes	Miller
Ball	Dearman	Henson	McCord
Barchard	Delony	Hill	McGowin
Barnes	Devers	Hodo	Nation
Beck	Dominick	Jenkins	Neighbors
Booth	Doster	Jones	Newman
Branyon	Ellis	Kaul	Norman (Bullock)
Brown (Covington)	Garrett	Langan	Norman (Lowndes)
Brown (Lee)	Gewin	Langley	Payne
Castleberry	Golson	Locke	Peacock
Christopher	Graham	Lovelace	Petrey
Clayton	Green	Martin	Phillips
Cobb	Gwin	Mathews (Clarke)	Pitts
Collier	Hall	Matthews (Jackson)	Quarles

Robertson (Cullman) Sherrer
 Robinson (Lowndes) Sightler
 Robinson (St. Clair) Spence
 Sadler Stone
 Sanderson Taylor
 Segrest Thomas

Tidmore
 Tucker
 Walden
 Wallace
 Waller

Welch
 Whigham
 White
 Wright
 Young

—86

And said bill:

H. 849. A bill to be entitled An Act to submit to the qualified electors of the State of Alabama, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to fix the salaries of the following named County Officers of Dallas County subject to the provisions of Section 281 of the Constitution of Alabama as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

electors of Alabama for their consideration as herein set forth, viz:

"The salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net; the Tax Assessor of Dallas County \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances, and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the method and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration, together with the proposed amendment.

Section 3. That, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballot used at such election shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

The salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Yes.....

No....."

The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and Counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that

a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

As amended by the amendment offered by Mr. Hare, was read a third time at length and passed.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Doster	Mathews (Clarke)	Sadler
Bagley	Ellis	Matthews (Jackson)	Sanderson
Ball	Garrett	Mayhall	Scott
Barchard	Gewin	Meggins	Segrest
Barnes	Golson	Miller	Sessions
Beck	Graham	McCord	Sherrer
Booth	Green	McDanal	Sightler
Branyon	Gwin	McGowin	Spence
Brown (Covington)	Hall	Nation	Stone
Brown (Lee)	Hardwick	Neighbors	Thomas
Castleberry	Hare	Newman	Tidmore
Christopher	Haynes	Norman (Bullock)	Toomer
Cobb	Henson	Norman (Lowndes)	Tucker
Collier	Hill	Payne	Walden
Cook	Jones	Peacock	Wallace
Cope	Kaul	Petrey	Waller
Davis (Madison)	Langan	Pitts	Welch
Dearman	Langley	Quarles	Weston
Delony	Locke	Robertson (Cullman)	Whigham
Devers	Lovelace	Robinson (Lowndes)	Wright
Dobbs	Martin	Robinson (St. Clair)	Young
Dominick			

—85

MOTION IN WRITING

Mr. Sherrer made the following motion in writing:

A Motion is hereby made, as per notice given on the 40th Legislative day, to direct and require the Standing Committee on Commerce and Common Carriers to act upon House Bill No. 753 and to report its action thereon to the House at the next sitting of the House.

John L. Sherrer.

And the motion of Mr. Sherrer was lost.

Yeas, 17; Nays, 41.

Yeas:

Messrs.:	Hardwick	Newman	Sherrer
Beck	Locke	Norman (Lowndes)	Snyder
Castleberry	Mathews (Clarke)	Robinson (Lowndes)	Tidmore
Dearman	Miller	Sanderson	Wright
Graham	McDanal		

—17

Nays:

Mr. Speaker	Garrett	Martin	Smyer
Allen	Gewin	Meggins	Spence
Ball	Golson	Neighbors	Stone
Branyon	Green	Payne	Thomas
Brown (Covington)	Gwin	Peacock	Toomer
Cook	Hill	Petrey	Walden
Cope	Jones	Platts	Wallace
Delony	Kaul	Robertson (Cullman)	Welch
Dobbs	Langley	Robinson (St. Clair)	Whigham
Dominick	Loveland	Sadler	Young
Doster			

—41

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two houses on the Senate Amendment to the bills:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Messrs. Stakely, Harrison and Hildreth were appointed as Conference on the part of the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 680. To amend Sub-division (13) Section 1 of the Uniform Narcotic Drug Act approved September 13, 1935.

Was read a third time at length and passed.

Yeas, 78; Nays, 0.

Yeas:

Mr. Speaker	Brown (Lee)	Dobbs	Gwin
Allen	Castleberry	Dominick	Hardwick
Bagley	Cobb	Doster	Hare
Ball	Cook	Ellis	Henson
Barnes	Cope	Garrett	Hill
Beck	Davis (Madison)	Gewin	Jenkins
Booth	Dearman	Golson	Jones
Branyon	Delony	Graham	Kaul
Brown (Covington)	Devers	Green	Langan

Langley	Neighbors	Sadler	Tucker
Locke	Newman	Scott	Waldrop
Lovelace	Norman (Lowndes)	Segrest	Wallace
Martin	Payne	Sessions	Waller
Mathews (Clarke)	Peacock	Sherrer	Welch
Mathews (Jackson)	Petrey	Smyer	Weston
Mayhall	Phillips	Spence	Whigham
Miller	Pitts	Thomas	White
McCord	Robertson (Cullman)	Tidmore	Wright
McDanal	Robinson (Lowndes)	Toomer	Young
Nation	Robinson (St. Clair)		

—78

On motion of Mr. Jones the bill, H. 680, was ordered sent forth-with to the Senate without engrossment.

H. 681. To provide for the Director of Industrial Relations acting as Chief of the Division of Unemployment Compensation and Employment Service within the Department of Industrial Relations and to repeal all conflicting laws.

Was read a third time at length and passed.

Yeas, 72; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Doster	Mathews (Jackson)	Segrest
Bagley	Ellis	Mayhall	Sessions
Ball	Garrett	Miller	Sherrer
Barnes	Gewin	McCord	Sightler
Beck	Golson	Neighbors	Smyer
Booth	Green	Newman	Spence
Branyon	Gwin	Norman (Lowndes)	Stallings
Brown (Covington)	Hardwick	Payne	Taylor
Castleberry	Hare	Peacock	Thomas
Christopher	Henson	Petrey	Tidmore
Cook	Hill	Phillips	Toomer
Cope	Jones	Pitts	Tucker
Davis (Madison)	Kaul	Robertson (Cullman)	Wallace
Dearman	Langan	Robinson (Lowndes)	Welch
Delony	Langley	Robinson (St. Clair)	Whigham
Devers	Locke	Sadler	White
Dobbs	Lovelace	Sanderson	Wright
Dominick	Martin	Scott	Young

—72

On motion of Mr. Jones the bill, H. 681, was ordered sent forth-with to the Senate without engrossment.

H. 493. To provide for the signing and sealing of bonds, obligations and like indentures of the State of Alabama which are direct obligations of the State and to which the full faith and credit of the State is pledged; and to provide for the signing of all other bonds, obligations or indentures issued by the State or by any county, municipality, educational institution, school district or by

any agency or instrumentality of the State or of any county, municipality, educational institution or school district.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Mathews (Clarke)	Sessions
Bagley	Gewin	Matthews (Jackson)	Sherrer
Ball	Golson	Mayhall	Sightler
Beck	Green	McCord	Spence
Booth	Gwin	Neighbors	Taylor
Branyon	Hardwick	Newman	Thomas
Brown (Covington)	Hare	Payne	Tidmore
Christopher	Haynes	Peacock	Toomer
Cook	Henson	Petrey	Tucker
Cope	Hill	Phillips	Walden
Davis (Madison)	Jenkins	Pitts	Waldrop
Dearman	Jones	Robinson (Lowndes)	Wallace
Delony	Kaul	Robinson (St. Clair)	Welch
Devers	Langan	Sadler	Weston
Dobbs	Langley	Sanderson	Whigham
Dominick	Locke	Scott	Wright
Doster	Martin	Segrest	Young
Ellis			

—69

On motion of Mr. Jones the bill, H. 493, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 218. To amend Sections 3, 4, 5, and 6 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensation of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

Was taken up. The Question was upon the adoption of the substitute reported by the Standing Committee on appropriations, said committee substitute being as follows:

Appropriations Committee Substitute for H. 218:

A BILL

To be entitled An Act to amend Sections 3, 4, and 5 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensations of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 3, 4, and 5 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compen-

sations of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935, be and the same is hereby amended so as to read as follows:

"Section 3. The duties of the State Toxicologist shall be to make such investigations of deaths and crimes as are ordered by the Governor, the Attorney General, any Circuit Judge, or any Circuit Solicitor in the State of Alabama; and the State Toxicologist shall cooperate with the Coroners, Sheriffs and other Police Officers in Alabama in their investigations of crimes and deaths from unnatural causes; and the State Toxicologist shall within his discretion visit the scene of any crime in the State for the purpose of securing evidence for the State. It shall be the further duty of the State Toxicologist to cooperate with the Commissioner of Agriculture and Industries and the State Veterinarian in their investigations of deaths of domestic animals in cases of suspected criminal poisoning of such animals. The State Toxicologist shall perform such other duties as are prescribed by the Governor or the Attorney General of Alabama. The State Toxicologist and his designated assistants shall exercise the same police authority as any deputy sheriff or highway patrolman in the State of Alabama.

"Section 4. The State Toxicologist shall maintain an office, and a laboratory for the scientific investigation of crime, at Auburn, Alabama, and shall be furnished adequate quarters by the Alabama Polytechnic Institute for the conduct of his office and laboratories. The State Toxicologist with the approval of the Attorney General, shall maintain such other offices and laboratories in this State as are necessary to carry out the provisions of this Act.

"Section 5. The compensation of the State Toxicologist shall be Four Thousand Dollars per annum, such salary to be payable monthly by warrants drawn on the State Treasurer by the State Toxicologist. The State Toxicologist shall be furnished with an office and laboratory at the expense of the State, and shall also be allowed all necessary expenses for the equipment and conduct of his office and laboratory, including stenographic and laboratory assistance, and such expenses as may be incurred from traveling within or without the State for the purpose of carrying out the provisions of this Act. Such expenses are to be paid by warrants approved by the Governor."

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Mr. Walden offered the following amendment to the substitute reported by the Standing Committee on appropriations for the bill, H. 218:

Amend Sec. 5 of Substitute to H. B. 218 by striking the words "four thousand dollars" and insert in lieu thereof "\$3600.00.

On motion of Mr. Jenkins the amendment offered by Mr. Walden was tabled.

Yeas, 45; Nays, 30.

Yeas:

Mr. Speaker	Delony	Langley	Scott
Ball	Dominick	Martin	Segrest
Barnes	Ellis	Miller	Sherrer
Beck	Flowers	McDanal	Spence
Booth	Garrett	Neighbors	Stone
Boswell	Golson	Payne	Thomas
Branyon	Gwin	Phillips	Toomer
Brown (Covington)	Haynes	Pitts	Tucker
Castleberry	Hill	Robertson (Cullman)	Waldrop
Christopher	Jenkins	Robinson (St. Clair)	Weston
Cook	Langan	Sadler	Wright
Dearman			

—45

Nays:

Messrs.:	Kaul	Norman (Bullock)	Snyder
Allen	Locke	Norman (Lowndes)	Tidmore
Bagley	Lovelace	Peacock	Walden
Cobb	Mathews (Clarke)	Petrey	Welch
Devers	Mathews (Jackson)	Robinson (Lowndes)	Whigham
Dobbs	Mayhall	Sanderson	White
Doster	Nation	Sessions	Young
Green	Newman	Smyer	

—30

And the substitute reported by the Standing Committee on appropriations for the bill, H. 218, was adopted.

Yeas, 55; Nays, 1.

Yeas:

Mr. Speaker	Dobbs	Jones	Segrest
Allen	Dominick	Kaul	Sessions
Bagley	Doster	Langley	Smyer
Beck	Ellis	Martin	Spence
Booth	Gewin	Mayhall	Stone
Boswell	Golson	Lovelace	Thomas
Branyon	Graham	Miller	Tidmore
Brown (Covington)	Green	Nation	Toomer
Castleberry	Gwin	Neighbors	Tucker
Christopher	Hardwick	Newman	Waldrop
Cook	Hare	Robertson (Cullman)	Welch
Davis (Madison)	Haynes	Robinson (Lowndes)	Weston
Dearman	Hill	Robinson (St. Clair)	Wright
Delony	Jenkins	Sadler	

—55

Nay: Mr. Locke.

— 1

And said bill:

H. 218. To amend Sections 3, 4, 5, and 6 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensation of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

As amended by the substitute reported by the Standing Committee on appropriations, was read a third time at length and passed.

Yeas, 53; Nays, 22.

Yeas:

Mr. Speaker	Dearman	Martin	Robinson (St. Clair)
Bagley	Delony	Mathews (Clarke)	Sadler
Ball	Dominick	Mayhall	Scott
Barnes	Garrett	Miller	Segrest
Beck	Golson	McDanal	Sherrer
Booth	Graham	Neighbors	Spence
Boswell	Green	Newman	Thomas
Branyon	Gwin	Payne	Tidmore
Brown (Covington)	Haynes	Peacock	Toomer
Castleberry	Hill	Petrey	Tucker
Christopher	Jenkins	Phillips	Waldrop
Cook	Langan	Pitts	Weston
Davis (Madison)	Langley	Robertson (Cullman)	Wright

—53

Nays:

Allen	Locke	Robinson (Lowndes)	Snyder
Cobb	Lovelace	Sanderson	Walden
Devers	Matthews (Jackson)	Sessions	Welch
Dobbs	McCord	Sightler	White
Doster	Norman (Bullock)	Smyer	Young
Kaul	Norman (Lowndes)		

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REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said Committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

By Mr. Allen (by request):

H. 732. To Amend Section 8484 of the Code of Alabama of 1923:

Also:

By Mr. Allen (by request):

H. 733. To Amend Section 8498 of the Code of Alabama of 1923:

Also:

By Mr. Allen (by request):

H. 734. To Amend Section 8496 of the Code of Alabama of 1923:

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House joint resolution:

H. J. R. 89. Declaring the policy of the meeting of the Legislature beginning Tuesday, August 29, 1939; the adjournment; the mileage and per diem of its members; its reconvening and its sitting as a committee of the whole.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the H. J. R. 89 had been publicly read by the Clerk, signed the H. J. R. 89.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House.

H. 787. To further provide for the revision, codification, digesting and promulgation of the public statutes of the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch, the House concurred in and adopted the Senate Amendment to the bill, H. 787, said Senate amendment being as follows:

AMEND HOUSE BILL, NO. 787 by striking therefrom Section 5, and substituting in lieu thereof the following:

"Section 5. When the manuscript of the Code, including the indices and prefixes and suffixes have been prepared and are submitted to and have received the approval and adoption of the Legislature, the Governor is hereby authorized and empowered to purchase not exceeding five thousand complete sets thereof to be delivered to the State, and to procure an option at not to exceed a fixed price for sets that may thereafter be required according to such terms as the Governor may prescribe by contract with said Code Commissioner, for distribution among and use by the various officers, offices and departments of the State of Alabama and for such other purposes as the State may determine, including resale by the State."

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Garrett	McDanal	Smyer
Allen	Gewin	Nation	Spence
Barnes	Golson	Neighbors	Stone
Beck	Green	Norman (Bullock)	Taylor
Booth	Hardwick	Norman (Lowndes)	Thomas
Brown (Covington)	Hare	Payne	Tidmore
Christopher	Hill	Peacock	Toomer
Cobb	Kaul	Petrey	Tucker
Cook	Langan	Pitts	Walden
Cope	Langley	Robertson (Cullman)	Wallace
Davis (Madison)	Locke	Robinson (Lowndes)	Welch
Delony	Lovelace	Sadler	Weston
Devers	Martin	Sanderson	Whigham
Dobbs	Mathews (Clarke)	Scott	White
Dominick	Matthews (Jackson)	Segrest	Wright
Doster	Mayhall	Sightler	Young
Flowers	Miller		

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 567. To amend an Act entitled, "An Act to Create the Office of County Road Supervisor for Henry County, Alabama," approved November, 1932, (H-536) as amended by an Act of the

Legislature approved September 9, 1935, (H-578), entitled "An Act to Amend Sections 2, 3, and 5, of an Act entitled, 'An Act To Create the Office of County Road Supervisor for Henry County, Alabama, (H-536) approved November 4, 1932,'" so as to further regulate and prescribe the powers, authorities, and duties of said Road Supervisor; and to further prescribe, regulate and define the powers, authorities, and duties of the Commissioners Court for Henry County, Alabama.

Also:

H. 788. To provide for a joint committee of the House of Representatives and the Senate to read and revise the manuscript of the Code being prepared under contract with The Harrison Company, The Michie Company and the West Publishing Company, as Code Commissioner, and to prescribe its duties and powers, and to fix the compensation of the committee and assistants and to provide for their compensation and expenses.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. McCall:

S. 448. To authorize, permit, and allow any Board of Commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, to authorize the installation and use of voting machines in all municipal elections, general, special or primary, to be thereafter held in such municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality; and to provide that when an ordinance is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Commissioners or other like governing body and used in all such elections thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities in the State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
To Be Entitled

An act to authorize, permit, and allow any Board of Commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, to authorize the installation and use of voting machines in all municipal elections, general, special or primary, to be thereafter held in such municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality; and to provide that when an ordinance is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Commissioners or other like governing body and used in all such elections thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities in the state of Alabama.

BE IT ENACTED by the Legislature of the State of Alabama, as follows:

Section 1. Any board of commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, is hereby authorized, permitted and allowed to authorize the installation and use of voting machines in all municipal elections, general, special or primary, to be thereafter held in said municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality.

Section 2. Upon such board of commissioners or other like governing body of any such municipality enacting an ordinance providing for the installation and use of such voting machines, such voting machines shall forthwith be acquired by such board of commissioners or other like governing body for and on behalf of said municipality and used in all municipal elections, general, special or primary, thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities of the State of Alabama.

Section 3. This act shall be in force and effect immediately upon its passage and approval by the governor.

H. N. Curran, being sworn, says that he is Auditor of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register, July 28; Aug. 4, 11 and 18, 1939.

H. N. CURRAN

Sworn to and subscribed before me this 21st day of Aug. 1939.

ALETTA MOLPUS,

(Seal)

Notary Public.

J. E. Speight,
Secretary.

Also:

By Mr. McCall:

S. 449. To authorize, permit, and allow the Board of Revenue and Road Commissioners of Mobile County, Alabama, to authorize the installation and use of voting machines in all elections, general, special or primary to be thereafter held in such county, without

submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Revenue and Road Commissioners and used in all such elections thereafter held in such county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL

To Be Entitled

An act to authorize, permit, and allow the Board of Revenue and Road Commissioners of Mobile County, Alabama, to authorize the installation and use of voting machines in all elections, general, special or primary, to be thereafter held in such county, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Revenue and Road Commissioners and used in all such elections thereafter held in such county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

BE IT ENACTED by the Legislature of the State of Alabama as follows:

Section 1. The Board of Revenue and Road Commissioners of Mobile County, Alabama, is hereby authorized, permitted, and allowed to authorize the installation and use of voting machines in all elections, general, special, or primary, to be thereafter held in said county, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county.

Section 2. Upon the Board of Revenue and Road Commissioners of Mobile County, Alabama, adopting a resolution providing for the installation and use of such voting machines, such voting machines shall forthwith be acquired by such Board of Revenue and Road Commissioners for and on behalf of said county and used in all elections, general, special, or primary, thereafter held in such county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

Section 3. This act shall be in force and effect immediately upon its passage and approval by the governor.

H. N. Curran, being sworn, says that he is Auditor of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register, July 28; Aug. 4, 11 and 18, 1939.

H. N. CURRAN

Sworn to and subscribed before me this 21st day of Aug., 1939.

(Seal) ALETTA MOLPUS,
Notary Public.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation No. 1, S. 448; S. 449.

BILL ON THIRD READING

H. 689. To amend Section 17 of the Department of Conservation Act of 1939, approved March 14, 1939.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mathews (Clarke)	Scott
Allen	Flowers	Matthews (Jackson)	Segrest
Ball	Garrett	Mayhall	Sightler
Booth	Gewin	Neighbors	Taylor
Branyon	Golson	Newman	Thomas
Christopher	Graham	Norman (Lowndes)	Tidmore
Cook	Green	Payne	Toomer
Cope	Hardwick	Peacock	Tucker
Davis (Madison)	Hill	Petrey	Walden
Dearman	Jenkins	Pitts	Waldrop
Delony	Langan	Robertson (Cullman)	Wallace
Devers	Langley	Robinson (Lowndes)	Weston
Dobbs	Locke	Robinson (St. Clair)	White
Dominick	Loveland	Sadler	Wright
Doster	Martin		

—58

On motion of Mr. Toomer the bill, H. 689, was ordered sent forthwith to the Senate without engrossment.

REPORT OF CONFERENCE COMMITTEE

Mr. Gewin from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 321, made the following report:

Your conferees on House bill No. 321 report and recommend as follows:

That Section 1 of House Bill No. 321 be amended by adding thereto after the words, as therein appear, "provided, however, that the provisions of this section shall not apply to or in any wise affect commissions of tax collectors in counties having a population of 300,000 or more, according to the last or any subsequent federal census", the following words: "in which said counties said officers are on a salary basis of compensation by virtue of and under the authority of an amendment to the constitution";

That said Section 1 be further amended by adding thereto after the words as therein appear, "provided further, however, that the provisions of this section shall not apply to or in any wise affect commissions of tax collectors in counties having a population of not less than 75,000 or more than 100,000 according to the last or any subsequent federal census", the following words: "in which said counties the said officers are on a salary basis of compensation by virtue of and under the authority of an amendment to the constitution".

That Section 2 of said Act be amended as follows: By adding the following language at the end of said section, viz.:

"In all counties where Tax collectors are paid on a salary basis by virtue of and under the authority of an amendment to the constitution, all fees allowed tax collectors for the collection of advalorem taxes shall by said tax collectors be paid into the county treasury."

E. F. Hildreth

Karl A. Harrison

C. A. Stakely

Committee on Conference on the part of the Senate.

S. W. Smyer

Walter P. Gewin

Geo. O. Miller

Com. on part of House

On motion of Mr. Gewin, the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 321, was concurred in and adopted:

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Martin	Robinson (St. Clair)
Allen	Doster	Mathews (Clarke)	Sadler
Bagley	Flowers	Mathews (Jackson)	Sanderson
Barchard	Garrett	Mayhall	Scott
Barnes	Gewin	Miller	Segrest
Beck	Golson	McDanal	Sightler
Branyon	Graham	Nation	Smyer
Brown (Covington)	Green	Neighbors	Taylor
Castleberry	Gwin	Newman	Thomas
Cobb	Hardwick	Norman (Bullock)	Tidmore
Cook	Hill	Norman (Lowndes)	Toomer
Cope	Jenkins	Payne	Tucker
Davis (Madison)	Langan	Peacock	Waldrop
Dearman	Langley	Petrey	Wallace
Delony	Locke	Pitts	Wright
Devers	Lovellace	Robinson (Lowndes)	Young

—64

And said bill:

H. 321, To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

As amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Martin	Robinson (St. Clair)
Allen	Doster	Mathews (Clarke)	Sadler
Bagley	Flowers	Matthews (Jackson)	Sanderson
Barchard	Garrett	Mayhall	Scott
Barnes	Gewin	Miller	Segrest
Beck	Golson	McDanal	Sightler
Branyon	Graham	Nation	Smyer
Brown (Covington)	Green	Neighbors	Taylor
Castleberry	Gwin	Newman	Thomas
Cobb	Hardwick	Norman (Bullock)	Tidmore
Cook	Hill	Norman (Lowndes)	Toomer
Cope	Jenkins	Payne	Tucker
Davis (Madison)	Langan	Peacock	Waldrop
Dearman	Langley	Petrey	Wallace
Delony	Locke	Pitts	Wright
Devers	Lovellace	Robinson (Lowndes)	Young

—64

REPORT OF CONFERENCE COMMITTEE

Mr. Gewin from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 322, made the following report:
Your conferees on House bill No. 322 report and recommend as follows:

That Section 1 of House Bill No. 322 be amended by adding thereto after the words, as therein appear, "provided, however, that the provisions of this section shall not apply to or in any wise affect commissions of tax assessors in counties having a population of 300,000 or more, according to the last or any subsequent federal census", the following words: "In which said counties said officers are on a salary basis of compensation by virtue of and under the authority of an amendment to the constitution".

That said Section 1 be further amended by adding thereto after the words as therein appear, "provided further, however, that the provisions of this section shall not apply to or in any wise affect commissions of tax assessors in counties having a population of not less than 75,000 or more than 100,000 according to the last or any subsequent federal census", the following words: "in which said counties the said officers are on a salary basis of compensation by virtue of and under the authority of an amendment to the constitution".

That Section 2 of said Act be amended as follows: By adding the following language at the end of said section, viz.:

"In all counties where Tax assessors are paid on a salary basis by virtue of and under the authority of an amendment to the constitution, all fees allowed tax assessors for the assessment of advalorem taxes shall be paid into the county treasury."

E. F. Hildreth
Karl A. Harrison
C. A. Stakely

Committee on Conference
on the part of the Senate

S. W. Smyer
Walter P. Gewin
Geo. O. Miller
Com. on part of House

On motion of Mr. Gewin, the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 322, was concurred in and adopted.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Mayhall	Scott
Allen	Garrett	Miller	Segrest
Bagley	Gewin	Nation	Sightler
Barnes	Golson	Neighbors	Smyer
Beck	Green	Newman	Taylor
Booth	Hardwick	Norman (Lowndes)	Thomas
Castleberry	Hill	Payne	Tidmore
Christopher	Jenkins	Peacock	Toomer
Cook	Jones	Petrey	Waldrop
Davis (Madison)	Langan	Pitts	Wallace
Dearman	Langley	Robinson (Lowndes)	Weston
Devers	Locke	Robinson (St. Clair)	White
Dobbs	Lovelace	Sadler	Wright
Doster	Martin	Sanderson	

--55

And said bill:

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

As amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Mayhall	Scott
Allen	Garrett	Miller	Segrest
Bagley	Gewin	Nation	Sightler
Barnes	Golson	Neighbors	Smyer
Beck	Green	Newman	Taylor
Booth	Hardwick	Norman (Lowndes)	Thomas
Castleberry	Hill	Payne	Tidmore
Christopher	Jenkins	Peacock	Toomer
Cook	Jones	Petrey	Waldrop
Davis (Madison)	Langan	Pitts	Wallace
Dearman	Langley	Robinson (Lowndes)	Weston
Devers	Locke	Robinson (St. Clair)	White
Dobbs	Lovelace	Sadler	Wright
Doster	Martin	Sanderson	

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate concurs in and adopts the following joint resolution:

H. J. R. 98. Relative to adjournment.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

(With amendment):

H. 667. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this State.

Was taken up. The Question was upon the adoption of the amendment reported by the Standing Committee on Forestry and Conservation, said committee amendment being as follows:

FORESTRY AND CONSERVATION COMMITTEE AMENDMENT
TO H. 667

Amend H. B. No. 667 by inserting a semi colon instead of the period appearing after the word "thereof" in line 12 of Section 1 of said bill.

And the amendment reported by the Standing Committee on Forestry and Conservation was adopted.

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Doster	Martin	Segrest
Bagley	Flowers	Matthews (Jackson)	Sessions
Ball	Garrett	Mayhall	Sherrer
Beck	Gewin	Miller	Sightler
Booth	Graham	McDanal	Smyer
Brown (Covington)	Green	Nation	Spence
Castleberry	Gwin	Neighbors	Stone
Christopher	Hardwick	Newman	Taylor
Cobb	Hare	Owens	Thomas
Collier	Haynes	Payne	Tidmore
Cook	Hill	Peacock	Toomer
Cope	Jenkins	Petrey	Tucker
Davis (Madison)	Jones	Phillips	Waldrop
Dearman	Kaul	Pitts	Wallace
Delony	Langan	Robinson (Lowndes)	Weston
Devers	Langley	Sadler	White
Dobbs	Locke	Sanderson	Wright
Dominick	Lovelace	Scott	Young

—72

Mr. Martin offered the following amendment to the bill, H. 667.

AMENDMENT TO H. 667, By Mr. Martin

Amend third paragraph of Sec. 1 of House Bill No. 667 by deleting the following: "earlier than 3 P. M. on any calendar day" Further amending this same paragraph by deleting the following: "provided that it shall not be a violation of this clause to start a camp fire or warming fire earlier than 3 P. M. on any calendar day."

And the amendment offered by Mr. Martin to the bill, H. 667, was adopted.

Yeas, 54; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Mayhall	Sessions
Barchard	Gewin	McDanal	Smyer
Barnes	Golson	Nation	Snyder
Beck	Green	Neighbors	Spence
Branyon	Hardwick	Newman	Taylor
Brown (Covington)	Hill	Norman (Lowndes)	Tidmore
Cobb	Jenkins	Payne	Toomer
Cope	Kaul	Petrey	Walden
Davis (Madison)	Langley	Pitts	Waldrop
Dearman	Locke	Robinson (Lowndes)	Wallace
Delony	Lovelace	Robinson (St. Clair)	Weston
Dobbs	Martin	Scott	Whigham
Ellis	Mathews (Clarke)	Segrest	White
Flowers	Matthews (Jackson)		

—54

And said bill:

H. 667. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this State.

As amended, was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Cook	Golson	Martin
Bagley	Cope	Graham	Mathews (Clarke)
Barchard	Davis (Madison)	Green	Matthews (Jackson)
Barnes	Dearman	Gwin	Mayhall
Beck	Devers	Hardwick	Miller
Booth	Dobbs	Hare	Nation
Branyon	Dominick	Haynes	Neighbors
Brown (Covington)	Doster	Hill	Newman
Castleberry	Flowers	Kaul	Norman (Lowndes)
Christopher	Garrett	Locke	Payne
Cobb	Gewin	Lovelace	Petrey

Pitts	Sessions	Toomer	Weston
Robinson (Lowndes)	Sightler	Walden	Whigham
Robinson (St. Clair)	Smyer	Waldrop	White
Sadler	Snyder	Wallace	Wright
Scott	Taylor	Welch	Young
Segrest	Tidmore		

—66

H. 686. To Protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

Was taken up. Mr. Scott offered the following amendment to the bill, H. 686:

AMENDMENT TO H. 686, By Mr. Scott

Amend H. B. 686 as follows. Amend paragraph five, Section 1 by deleting the words "timber or forest products" and adding "logs, poles, piling, cross ties, pulpwood, veneer bolts, staves or other unmanufactured or semimanufactured forest products." Section 2. Amend by striking out "or 2" in the second sentence of the section.

Section 3. Amend by striking out "or 2" in the first line of this section and the latter part of the section where Section 2 is spelled out substitute the words "Section 1". Section 4. Amend second line by striking out the words "timber or other forest products and insert in their place, "logs, poles, piling, cross ties, pulpwood, veneer bolts, staves or other unmanufactured or semimanufactured forest products." Amend at the end of the first sentence by striking out the period, insert a comma and the following words, "provided the purchaser maintains an office or business establishment at that point, otherwise said record shall be kept at the place of business of the purchaser nearest to the point of purchase."

And the amendment offered by Mr. Scott to the bill, H. 686, was adopted.

Yeas, 58; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Gewin	Miller	Gewin
Barchard	Golson	McDanal	Sessions
Barnes	Graham	Nation	Smyer
Beck	Green	Neighbors	Thomas
Booth	Gwin	Newman	Tidmore
Branyon	Hardwick	Norman (Bullock)	Toomer
Castleberry	Hill	Norman (Lowndes)	Walden
Christopher	Jenkins	Peacock	Waldrop
Cook	Kaul	Petrey	Wallace
Davis (Madison)	Langan	Pitts	Welch
Dearman	Locke	Robinson (Lowndes)	Weston
Devers	Lovelace	Robinson (St. Clair)	Whigham
Dominick	Martin	Sadler	White
Doster	Mathews (Clarke)	Scott	Wright
Garrett	Matthews (Jackson)		

—58

And said bill:

H. 686. To Protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

As amended by the amendment offered by Mr. Scott, was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker	Dominick	Matthews (Jackson)	Segrest
Bagley	Doster	Miller	Sightler
Barchard	Gewin	McDanal	Smyer
Barnes	Golson	Neighbors	Thomas
Beck	Graham	Norman (Bullock)	Tidmore
Booth	Green	Norman (Lowndes)	Toomer
Branyon	Hardwick	Payne	Walden
Brown (Covington)	Haynes	Peacock	Waldrop
Brown (Lee)	Hill	Petrey	Wallace
Christopher	Kaul	Pitts	Welch
Cook	Langan	Robinson (Lowndes)	Weston
Davis (Madison)	Locke	Robinson (St. Clair)	Whigham
Dearman	Lovelace	Sadler	White
Devers	Martin	Scott	Wright
Dobbs	Mathews (Clarke)		

—58

Nay: Mr. Newman

— 1

(With substitute):

H. 620. To provide a Forest Protection Fund.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Forestry and Conservation, said committee substitute being as follows:

Committee Substitute for H. 620:

A BILL

To be entitled An Act to provide for a Forest Protection Fund.

Be it enacted by the Legislature of Alabama:

Section 1. That for the purpose of receiving the financial and supervisory cooperation of the Division of Forestry of the Department of Conservation of the State of Alabama in forest protection any county governing body is empowered, authorized and required to assess and levy a special annual tax not to exceed four cents (4c) per acre against the forested acreage of the county subject to the conditions set forth in Section 2 of this Act.

Section 2. That for the purpose of receiving the financial and supervisory cooperation of the Division of Forestry of the Department of Conservation of the State of Alabama in forest protection,

the county governing body is required to make, assess and levy a special annual tax upon all said lands in the county, or any definitely described portion thereof, immediately upon receipt of a petition, so requesting, signed by a majority of the freeholders of the county, or definitely described portion thereof; said area to be known as a forest protection area.

Section 3. That said tax shall remain the same from year to year, except that it may be changed or discontinued upon receipt of a petition, so requesting, signed by a majority of the freeholders of the county, or definitely described portion thereof, involved; or by the Division of Forestry of the Department of Conservation of the State of Alabama.

Section 4. That the tax so assessed shall be collected as other taxes are collected and remitted to the State Treasurer and placed in a "Forest Protection Fund" to be expended by the Division of Forestry of the Department of Conservation of the State of Alabama for forest fire protection in the county, or definitely described portion thereof, against which the tax has been assessed.

Section 5. The Division of Forestry of the Department of Conservation is hereby empowered and directed to establish and designate such forest protection areas prior to the submission of the petition provided for in Section 2 of this act.

Section 6. That by forest land, as used in this Act, is meant any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose.

Section 7. The Division of Forestry of the Department of Conservation is hereby empowered and directed to furnish to the county governing body in which it is proposed to establish a forest protection area, a list of the landowners within said proposed forest protection area, said list to show the total amount of forest land owned by each landowner subject to the forest protection tax within said forest protection area.

Section 8. The tax provided for in Section 1 of this Act shall not be assessed and levied until such time as the County Board of Equalization shall have first inspected and reviewed such property and shall have designated the same forest land and such lands must have been returned to or listed with the tax assessor of the county where located as forest land, and have been placed on the tax rolls for ad valorem taxation as other forest lands.

Section 9. That all laws and parts of laws, general, special or local, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute reported by the Standing Committee on Forestry and Conservation to bill, H. 620, was adopted:

Yeas, 55; Nays, 3.

Yeas:

Mr. Speaker	Dominick	Langley	Sanderson
Bagley	Doster	Locke	Segrest
Barnes	Flowers	Martin	Sessions
Beck	Garrett	Mathews (Clarke)	Smyer
Booth	Golson	Matthews (Jackson)	Taylor
Branyon	Graham	McCord	Toomer
Brown (Lee)	Green	McDanal	Walden
Castleberry	Hardwick	Nation	Wallace
Christopher	Hare	Norman (Bullock)	Welch
Cook	Haynes	Norman (Lowndes)	Weston
Davis (Madison)	Jenkins	Payne	Whigham
Dearman	Jones	Pitts	White
Delony	Kaul	Robinson (Lowndes)	Wright
Devers	Langan	Sadler	—55

Nays: Messrs. Dobbs, Newman, Peacock

— 3

And said bill:

H. 620. To provide a Forest Protection Fund.

As amended by the substitute reported by the Standing Committee on Forestry and Conservation, was read a third time at length and passed.

Yeas, 59; Nays, 1.

Yeas:

Mr. Speaker	Dominick	Locke	Sadler
Bagley	Doster	Lovelace	Sanderson
Barchard	Ellis	Martin	Scott
Beck	Flowers	Mathews (Clarke)	Segrest
Booth	Garrett	Matthews (Jackson)	Smyer
Branyon	Golson	Mayhall	Stone
Brown (Covington)	Green	Miller	Taylor
Brown (Lee)	Hardwick	McDanal	Toomer
Castleberry	Hare	Neighbors	Walden
Christopher	Haynes	Newman	Wallace
Cook	Hill	Norman (Bullock)	Welch
Davis (Madison)	Jenkins	Norman (Lowndes)	Weston
Dearman	Kaul	Payne	Whigham
Delony	Langan	Pitts	White
Devers	Langley	Robinson (Lowndes)	—59

Nays: Mr. Sightler

— 1

H. 744. To amend Section 4, 6, 8, 18 and 19 of an Act entitled "An Act to amend an Act entitled 'An Act for the protection of salt water shrimp to provide the manner in which said crustaceans may be caught, taken and marketed, to fix the season during which they may be caught, to authorize the issuance of licenses to persons seining for salt water shrimp to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, and to provide penalties for the violation of the provisions of this Act.' 'Approved September 2, 1919.' "approved July 6, 1931.

Was read a third time at length and passed.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker	Doster	Martin	Sanderson
Bagley	Ellis	Mathews (Clarke)	Scott
Barchard	Flowers	Matthews (Jackson)	Segrest
Barnes	Garrett	Mayhall	Sessions
Beck	Golson	Megginson	Sightler
Booth	Green	Miller	Smyer
Branyon	Gwin	McDanal	Stone
Brown (Covington)	Hardwick	Neighbors	Taylor
Brown (Lee)	Haynes	Newman	Thomas
Castleberry	Hill	Norman (Bullock)	Toomer
Cook	Jones	Norman (Lowndes)	Wallace
Davis (Madison)	Kaul	Payne	Welch
Dearman	Langan	Pitts	Weston
Delony	Langley	Robinson (Lowndes)	White
Devers	Locke	Robinson (St. Clair)	Wright
Dominick	Lovelace		

—62

On motion of Mr. Langan the bill, H. 744, was ordered sent forthwith to the Senate without engrossment.

H. 745. To amend Sections 17, 28, 31, 39 and 41 of an Act entitled "An Act to further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottom when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the

time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provision of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provision of this Act, to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary pa-

trol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain time of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes, approved March 1, 1937.

Was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Locke	Robinson (St. Clair)
Bagley	Dominick	Lovelace	Sadler
Barchard	Doster	Martin	Sanderson
Barnes	Flowers	Mathews (Clarke)	Scott
Beck	Garrett	Matthews (Jackson)	Segrest
Booth	Gewin	Megginson	Sessions
Branyon	Golson	Miller	Sightler
Brown (Covington)	Green	McCord	Smyer
Brown (Lee)	Hardwick	McDanal	Stone
Castleberry	Haynes	Neighbors	Taylor
Christopher	Henson	Newman	Thomas
Collier	Hill	Norman (Bullock)	Tidmore
Cook	Jenkins	Norman (Lowndes)	Tucker
Davis (Madison)	Jones	Payne	Wallace
Dearman	Kaul	Petrey	Welch
Delony	Langan	Pitts	Weston
Devers	Langle	Robinson (Lowndes)	White

—68

On motion of Mr. Langan the bill, H. 745, was ordered sent forthwith to the Senate without engrossment.

H. 537. To require Insurance Companies, in case of destruction or damage of property by fire where same is insured against fire and where the insurance Company or Companies are liable for

such loss, to furnish to the insured proper blanks upon which to make the required proof of such loss within a reasonable time after receiving notice thereof. Said blanks to be furnished together with full directions as to what proof is required to secure the payment of the policy. If said insurance company or companies fail to comply with this section, the failure of the insured to make proper proof of loss prior to the suit shall be no defense to a suit upon the policy, and in all such cases the insured is to have a reasonable time in which to make such proof after blanks and directions are received.

Was read a third time at length and passed.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Bagley	Flowers	Mathews (Jackson)	Segrest
Barchard	Garrett	Mayhall	Sessions
Barnes	Gewin	Miller	Sightler
Beck	Golson	McCord	Smyer
Booth	Graham	McDanal	Snyder
Branyon	Green	Nation	Taylor
Brown (Covington)	Hardwick	Neighbors	Thomas
Brown (Lee)	Haynes	Newman	Tidmore
Castleberry	Henson	Norman (Bullock)	Toomer
Christopher	Hill	Norman (Lowndes)	Tucker
Cobb	Jenkins	Payne	Waldrop
Cook	Jones	Peacock	Wallace
Davis (Madison)	Kaul	Petrey	Welch
Dearman	Langan	Pitts	Weston
Delony	Langley	Robinson (Lowndes)	White
Devers	Locke	Robinson (St. Clair)	Wright
Dobbs	Lovelace	Sadler	

—75

On motion of Mr. Dearman, the bill, H. 537, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 652. To Amend Section 348 of Article XIII, Chapter 1, of An Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Ways and Means, said committee substitute being as follows:

Ways and Means Committee Substitute for H. 652:

A BILL,

To be entitled An Act to amend Section 348 of Article XIII, Chapter 1, of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Be it enacted by the Legislature of Alabama:

That Section 348 of Article XIII, Chapter 1, be and the same is hereby amended by adding thereto Schedule 12-B.

Schedule 12-B. Each person engaged exclusively in the business of buying used motor vehicles for re-sale and who do not sell such motor vehicles as Junk or who do not sell the parts thereof, shall pay the following license:

In cities or towns of 10,000 inhabitants, or less,	
incorporated or not.....	State License \$ 37.50
Over 10,000 and including 100,000.....	State License \$ 75.00
Over 100,000.....	State License \$100.00

Provided that upon the payment of the license according to the foregoing Schedule, an exclusive second-hand, or used automobile dealer shall be permitted to purchase one demonstrating tag for each salesman he employs, but in no event more than ten at a cost of one dollar each. Provided that such demonstrating tags are used only for demonstrating second-hand or used passenger cars and trucks.

And the substitute reported by the Standing Committee on Ways and Means, to the bill, H. 652, was adopted.

Yeas, 56; Nays, 5.

Yeas:

Mr. Speaker	Davis (Madison)	Hill	Payne
Allen	Dearman	Jenkins	Petrey
Bagley	Delony	Jones	Pitts
Barchard	Dominick	Kaul	Robinson (Lowndes)
Beck	Doster	Langan	Sadler
Booth	Flowers	Langley	Sanderson
Branyon	Garrett	Locke	Segrest
Brown (Covington)	Gewin	Lovelace	Sessions
Brown (Lee)	Golson	Martin	Smyer
Castleberry	Green	Mathews (Clarke)	Tidmore
Christopher	Gwin	Mathews (Jackson)	Toomer
Collier	Hardwick	Miller	Walden
Cook	Hare	Neighbors	Welch
Cope	Haynes	Norman (Bullock)	Weston

—56

Nays: Messrs. Cobb, Mayhall, McDanal, Peacock, Scott

— 5

And said bill:

H. 652. To Amend Section 348 of Article XIII, Chapter 1, of An Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

As amended by the substitute reported by the Standing Committee on Ways and Means, was read a third time at length and passed.

Yeas, 56; Nays, 5.

Yeas:

Mr. Speaker	Davis (Madison)	Hill	Payne
Allen	Dearman	Jenkins	Petrey
Bagley	Delony	Jones	Pitts
Barchard	Dominick	Kaul	Robinson (Lowndes)
Beck	Doster	Langan	Sadler
Booth	Flowers	Langley	Sanderson
Branyon	Garrett	Locke	Segrest
Brown (Covington)	Gewin	Lovelace	Sessions
Brown (Lee)	Golson	Martin	Smyer
Castleberry	Green	Mathews (Clarke)	Tidmore
Christopher	Gwin	Matthews (Jackson)	Toomer
Collier	Hardwick	Miller	Walden
Cook	Hare	Neighbors	Welch
Cope	Haynes	Norman (Bullock)	Weston

—56

Nays: Messrs. Cobb, Mayhall, McDanal, Peacock, Scott

— 5

(With amendment):

H. 352. To amend Schedule 12 of Section 348, of the Revenue Act of 1935, approved July 10, 1935, as amended by Act No. 163 of the 1936-1937 Extra Session of the Legislature of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the standing committee on Ways and Means, said committee amendment being as follows:

COMMITTEE AMENDMENT TO HOUSE BILL 352

Amend House Bill No. 352 by adding after the word "repealed" in next to the last line thereof, the following:

"except the sales or use tax"

And the amendment reported by the Standing Committee on Ways and Means to the bill, H. 352, was adopted.

Yeas, 53; Nays, 2.

Yeas:

Mr. Speaker	Booth	Cope	Dobbs
Barchard	Brown (Covington)	Davis (Madison)	Dominick
Barnes	Brown (Lee)	Dearman	Doster
Beck	Cook	Devers	Ellis

Gewin	Miller	Robinson (Lowndes)	Smyer	
Golson	Neighbors	Robinson (St. Clair)	Taylor	
Green	Newman	Sadler	Thomas	
Hare	Norman (Bullock)	Sanderson	Tidmore	
Jones	Norman (Lowndes)	Scott	Toomer	
Kaul	Payne	Segrest	Walden	
Locke	Peacock	Sessions	Wallace	
Martin	Petrey	Sherrer	Welch	
Mathews (Clarke)	Pitts	Sightler	Whigham	
Matthews (Jackson)				—53
Nays: Messrs. Cobb, Mayhall				— 2

And said bill:

H. 352. To amend Schedule 12 of Section 348, of the Revenue Act of 1935, approved July 10, 1935, as amended by Act No. 163 of the 1936-1937 Extra Session of the Legislature of Alabama.

As amended by the amendment reported by Standing Committee on Ways and Means, was read a third time at length and passed.

Yeas, 50; Nays, 4.

<i>Yeas:</i>				
Mr. Speaker	Devers	Martin	Scott	
Barchard	Dobbs	Mathews (Clarke)	Segrest	
Barnes	Dominick	Matthews (Jackson)	Sessions	
Beck	Doster	Miller	Smyer	
Booth	Ellis	Neighbors	Thomas	
Brown (Covington)	Garrett	Norman (Bullock)	Tidmore	
Brown (Lee)	Gewin	Norman (Lowndes)	Toomer	
Christopher	Golson	Petrey	Walden	
Cook	Graham	Pitts	Wallace	
Cope	Hare	Robinson (Lowndes)	Welch	
Davis (Madison)	Jones	Robinson (St. Clair)	Weston	
Dearman	Kaul	Sadler	Whigham	
Delony	Locke			—50
Nays: Messrs. Cobb, Mayhall, Newman, Peacock				— 4

(With substitute):

H. 521. To authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated as State Secondary Agricultural School Demonstration Farms, and located at or near those high schools formerly known as State Secondary Agricultural Schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a Demonstration Farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms

and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales; to provide for the operation of any or all of such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Appropriations Committee substitute for H. 521:

A BILL

To be entitled An Act to authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated demonstration farms, and located at or near those high schools formerly known as State secondary agricultural schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a demonstration farm at or near each of the State secondary agricultural schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales and any other funds in the hands of the demonstration farm treasurer at the time of its sale; to provide for the operation of any or all of such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act, the Director of Finance of the State of Alabama shall offer for sale, and, with the approval of the Governor, shall sell all real property,

livestock, equipment, and farm produce owned by the State of Alabama at those farms now designated as State Secondary Agricultural School Demonstration Farms and located at or near each of the high schools formerly known as State Secondary Agricultural Schools of Alabama at Jackson, Clarke County; Abbeville, Henry County; Sylacauga, Talladega County; Wetumpka, Elmore County; Hamilton, Marion County; Athens, Limestone County; Blountsville, Blount County; Lineville, Clay County; and Cuba, Sumter County.

Section 2. That the Director of Finance shall, with the approval of the Governor, sell said property of the State of Alabama, both real and personal, in the same manner and in accordance with the laws of this State for the sale of other property of the State of Alabama, both real and personal.

Section 3. That the funds accruing from the sale of real property, livestock, equipment and farm produce at each of the said demonstration farms shall be covered into the State Treasury to the credit of the demonstration farm sold. After the sale of all real property, livestock, equipment and farm produce at any of such demonstration farms, the funds accruing therefrom shall be paid out on requisition of the State Superintendent of Education on authority of the State Board of Education in the manner and for the purposes hereinafter provided.

Section 4. That the cost of effecting the sale of the said property of the State of Alabama at any of said demonstration farms shall be paid out of the moneys accruing from such sale. All outstanding obligations against any demonstration farm, which have been approved by the proper authority, shall be preferred claim against the funds accruing from the sale of the real property, livestock, equipment and farm produce of said demonstration farm. The balance of the fund, or any portion thereof necessary, accruing from the sale of the real property, livestock, equipment and farm produce of any of said demonstration farms shall be used to reimburse any local governmental unit, county or municipality, in such an amount as said governmental unit, or units, may have contributed, as shown by record, toward the purchase of land for the establishment of said demonstration farms or for use in purchasing, constructing or repairing buildings or equipment for said demonstration farms. Any moneys remaining after the payment of all amounts due to such local governmental units shall be paid into the treasury of the school board in administrative control of the school to which the farm was formerly attached, to be used by said board, together with any other funds to the credit of that farm, in constructing and repairing buildings, and for purchasing equipment for the school to which the farm was attached.

Section 5. All of said demonstration farms shall continue until sold to be operated by the Alabama Polytechnic Institute in co-operation with the State Board of Education as provided by law and under the plan of cooperation now in effect between the Alabama Polytechnic Institute and the State Board of Education for the operation of the same.

Section 6. That the State Board of Education is authorized to retain for school purposes any land now a part of any of said demonstration farms if, in its opinion, such land is needed for such purposes, and the land not needed for school purposes shall constitute the area which shall be sold.

Section 7. That all laws and parts of laws, general, special or local, in conflict with the provisions of this Act are hereby expressly repealed.

Section 8. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Miller offered the following amendment to the substitute reported by the Standing Committee on Appropriations for the bill, H. 521:

Amend Substitute for H. B. 521, Section 6, to read as follows:

Sec. 6. That the State Board of Education is authorized to retain for school purposes any land now a part of any of said demonstration farms if, in the opinion of County Boards of Education where said farms are located, such land is needed for such purposes, and the land not needed for school purposes shall constitute the area which shall be sold.

And the amendment offered by Mr. Miller to the Substitute reported by the Standing Committee on Appropriations to the bill, H. 521, was adopted.

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 521, as amended by the amendment offered by Mr. Miller was adopted.

Yeas, 53; Nays, 1.

Yeas:

Mr. Speaker	Delony	Jones	Norman (Bullock)
Barchard	Devers	Kaul	Norman (Lowndes)
Barnes	Dobbs	Locke	Payne
Beck	Dominick	Lovelace	Peacock
Brown (Covington)	Ellis	Martin	Petrey
Brown (Lee)	Garrett	Mathews (Clarke)	Pitts
Cobb	Gewin	Matthews (Jackson)	Robinson (Lowndes)
Cook	Golson	Mayhall	Robinson (St. Clair)
Cope	Green	Miller	Sadler
Davis (Madison)	Hare	Neighbors	Sanderson
Dearman	Hill	Newman	Scott

Segrest
Sessions
Smyer

Tidmore
Toomer

Wallace
Welch

Whigham
Wright

—53

Nays: Mr. Thomas

— 1

Mr. Walden offered the following Amendment to the bill, H. 521:

Amend Section 3 of the Substitute for House Bill No. 521 by adding at the end thereof the following:

"Provided, that the portion or portions of such funds to which the county of Henry is, or will be, entitled under the provisions of this Act, shall be paid to the Court of County Commissioners of said County, to be used exclusively for the retirement of the road and bridge bonds of said county."

On motion of Mr. Tooner the amendment offered by Mr. Walden was tabled.

And said bill:

H. 521. To authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated as State Secondary Agricultural School Demonstration Farms, and located at or near those high schools formerly known as State Secondary Agricultural Schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a Demonstration Farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales; to provide for the operation of any or all of such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms.

As amended, was read a third time at length and passed.

Yeas, 51; Nays, 4.

Yeas:

Mr. Speaker	Dominick	Mayhall	Sessions
Barchard	Ellis	Nation	Sherrer
Barnes	Garrett	Newman	Sightler
Beck	Gewin	Norman (Bullock)	Taylor
Booth	Golson	Norman (Lowndes)	Tidmore
Brown (Covington)	Green	Payne	Toomer
Brown (Lee)	Hill	Peacock	Walden
Castleberry	Jones	Petrey	Wallace
Cobb	Kaul	Pitts	Welch
Cook	Lovell	Robinson (Lowndes)	Weston
Cope	Martin	Robinson (St. Clair)	Whigham
Davis (Madison)	Mathews (Clarke)	Sanderson	Wright
Delony	Matthews (Jackson)	Segrest	

—51

Nays: Messrs. Christopher, Dearman, Miller, Thomas

— 4

H. 431. Concerning common Trust Funds and to make uniform the law with reference thereto.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Banks and Banking, said committee substitute being as follows:

Committee substitute on Banks and Banking for House bill 431:

A BILL

To be entitled an Act concerning common trust funds and to make uniform the law with reference thereto.

Be it enacted by the Legislature of Alabama:

SECTION 1. (Establishment of Common Trust Funds.) Any bank or trust company qualified to act as fiduciary in this state may establish one or more common trust funds composed of securities legal for trust investments in this state for the purpose of furnishing investments to itself as fiduciary, or to itself and another or others, as co-fiduciaries; and may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust fund or funds, if such investment is not prohibited by the instrument, judgment decree, or order creating such fiduciary relationship or by an amendment thereof, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciary or co-fiduciaries to such investment.

SECTION 2. (Court Accountings.) Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust fund or funds shall not be required to render a court accounting with regard to such fund or funds; but it may, by application to the Circuit Court in Equity, secure approval of such an accounting on such conditions as the court may establish. This section shall not affect the duties of the trustees of the participating trusts under the common trust fund to render accounts of their several trusts.

SECTION 3. (Taxation) No common trust fund established under the provisions of this Act shall be subject to taxation by the State of Alabama as a corporation, association, individual or fiduciary.

SECTION 4. (Amortization.) The trustee of any common trust fund shall not be required to amortize the premium of any security or securities purchased by the trustee for the common trust fund at a price in excess of face amount.

SECTION 5. (Mortgage loans.) Anything herein to the contrary notwithstanding, mortgage loans (other than loans guaranteed or insured by the United States of America or any agency thereof) purchased as investments for any such common trust fund shall not exceed at the time of purchase ten per cent of the value of the total investments held therein.

SECTION 6. (Uniformity of Interpretation.) This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 7. (Short Title.) This Act may be cited as the Uniform Common Trust Fund Act.

SECTION 8. (Severability.) If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9. (Repeal.) All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 10. (Time of Taking Effect.) This Act shall take effect immediately upon its enactment, and shall apply to fiduciary relationships then in existence or thereafter established.

And the substitute reported by the Standing Committee on Banks and Banking for the bill, H. 431, was adopted.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Devers	Lovelace	Robinson (St. Clair)
Barchard	Dobbs	Martin	Sadler
Barnes	Dominick	Matthews (Jackson)	Sanderson
Beck	Doster	Mayhall	Segress
Booth	Ellis	Nation	Sessions
Brown (Covington)	Garrett	Neighbors	Sherrer
Brown (Lee)	Gewin	Newman	Smyer
Castleberry	Golson	Norman (Bullock)	Thomas
Cobb	Graham	Norman (Lowndes)	Tidmore
Cook	Green	Payne	Tucker
Cope	Hill	Peacock	Wallace
Davis (Madison)	Jones	Petrey	Weston
Dearman	Kaul	Pitts	Whigham
Delony	Locke	Robinson (Lowndes)	

And said bill:

H. 431. Concerning common Trust Funds and to make uniform the law with reference thereto.

As amended by the the substitute reported by the Standing Committee on Banks and Banking, was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Devers	Lovelace	Robinson (St. Clair)
Barchard	Dobbs	Martin	Sadler
Barnes	Dominick	Matthews (Jackson)	Sanderson
Beck	Doster	Mayhall	Segrest
Booth	Ellis	Nation	Sessions
Brown (Covington)	Garrett	Neighbors	Sherrer
Brown (Lee)	Gewin	Newman	Smyer
Castleberry	Golson	Norman (Bullock)	Thomas
Cobb	Graham	Norman (Lowndes)	Tidmore
Cook	Green	Payne	Tucker
Cope	Hill	Peacock	Wallace
Davis (Madison)	Jones	Petrey	Weston
Dearman	Kaul	Pitts	Whigham
Delony	Locke	Robinson (Lowndes)	

—55

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS.

Mr. Speaker:

Your standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House Bills.

H. 787. To further provide for the revision, codification, digesting and promulgation of the public statues of the State of Alabama.

Also:

H. 788. To provide for a joint committee of the House of Representatives and the Senate to read and revise that manuscript of the Code being prepared under contract with The Harrison Company, The Michie Company and the West Publishing Company, as Code Commissioner, and to prescribe its duties and powers, and to fix the compensation of the committee and assistants and to provide for their compensation and expenses.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the following House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:05 P. M. on August 25, 1939:

H. J. R. 89.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Mayhall, the House, in accordance with a House joint resolution heretofore adopted, adjourned until Tuesday, August 29th, 1939, at twelve o'clock, noon.

FORTY-SECOND DAY

House of Representatives.
Montgomery, Alabama,
Tuesday, August 29th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Judge Snyder, of the House.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Dominick	Mathews (Clarke)	Scott
Allen	Doster	Matthews (Jackson)	Segrest
Austin	Ellis	Mayhall	Sessions
Bagley	Flowers	Megginson	Sherrer
Ball	Garrett	Miller	Sightler
Barchard	Gewin	McCord	Smyer
Barnes	Golson	McDanal	Snyder
Beck	Graham	McGowin	Spence
Booth	Graves	Nation	Stallings
Boswell	Green	Neighbors	Stone
Branyon	Gwin	Newman	Taylor
Brown (Covington)	Hall	Norman (Bullock)	Thomas
Brown (Lee)	Hardwick	Norman (Lowndes)	Tidmore
Carwile	Hare	Owens	Toomer
Castleberry	Haynes	Payne	Tucker
Chewning	Henson	Peacock	Walden
Christopher	Hill	Petrey	Waldrop
Clayton	Hodo	Phillips	Wallace
Cobb	Jenkins	Pitts	Waller
Collier	Jones	Pool	Welch
Cook	Kaul	Quarles	Weston
Cope	Langan	Robertson (Cullman)	Whigham
Davis (Madison)	Langley	Robinson (Lowndes)	White
Dearman	Locke	Robinson (St. Clair)	Wood
Delony	Lovelace	Sadler	Wright
Devers	Martin	Sanderson	Young
Dobbs			

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE
JOURNAL

Mr. Speaker :

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the forty-first legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-first legislative day was dispensed with and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal for the forty-first legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker :

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bill :

H. 567. To amend an Act entitled, "An Act to Create the Office of County Road Supervisor for Henry County, Alabama," approved November, 1932, (H-536) as amended by an Act of the Legislature approved September 9, 1935, (H-578), entitled "An Act to Amend Sections 2, 3, and 5, of an Act entitled, 'An Act To Create the Office of County Road Supervisor for Henry County, Alabama, (H-536) approved November 4, 1932'," so as to further regulate and prescribe the powers, authorities, and duties of said Road Supervisor; and to further prescribe, regulate and define the powers, authorities, and duties of the Commissioners Court for Henry County, Alabama.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 218. To amend Sections 3, 4, and 5 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensation of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

Also:

H. 352. To amend Schedule 12 of Section 348, of the Revenue Act of 1935, approved July 10, 1935, as amended by Act No. 163 of the 1936-1937 Extra Session of the Legislature of Alabama.

Also:

H. 431. Concerning common Trust Funds and to make uniform the law with reference thereto.

Also:

H. 521. To authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated demonstration farms, and located at or near those high schools formerly known as State secondary agricultural schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a demonstration farm at or near each of the State secondary agricultural schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales and any other funds in the hands of the demonstration farm treasurer at the time of its sale; to provide for the operation of any or all of such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of said demonstration farms.

Also:

H. 620. To provide a Forest Protection Fund.

Also:

H. 652. To Amend Section 348 of Article XIII, Chapter 1, of An Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

Also:

H. 667. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this State.

Also:

H. 686. To Protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

Also:

H. 849. A bill to be entitled an Act to submit to the qualified electors of the State of Alabama, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to fix the salaries of the following named County Officers of Dallas County subject to the provisions of Section 281 of the Constitution of Alabama as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by

law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Be It Enacted by the Legislature of Alabama :

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as herein set forth, viz :

"The salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net; the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances, and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the method and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published, in one news-

paper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration, together with the proposed amendment.

Section 3. That, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballot used at such election shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

The salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Yes.....

No....."

The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and Counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House:

H. 223. To amend an Act entitled, "An Act to provide for State Planning of all public works approved September 9, 1935, and for state planning and uses of land which are to be constructed or acquired with State funds or located, constructed or authorized by the State; all local improvements which under the statutes are required to be submitted to State authorities, also all projects of state magnitude even though the constructing and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities and to authorize the Legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provisions of this Act", and to further authorize the State Planning Commission to set up and operate an advertising, travel, information, tourist and industrial development division and to authorize the Director of State Planning Commission, with the consent of the Governor to execute contracts and provide funds to defray the expense of the State Planning Commission.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Beck, the House non-concurred in the Senate amendment to the bill, H. 223, said Senate Amendment being as follows:

A BILL

To be entitled An Act to amend Section II, III and V of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section II of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section II. That the Commission at its first meeting after appointment shall elect from among its members a Chairman and a Vice-Chairman who shall serve for four years and until their successors are elected. The commission shall appoint a Director who shall be a citizen of Alabama and who shall be qualified by training and experience for the duties required of him. His term of office shall be fixed by the Commission and his salary shall be fixed by the Commission not to exceed the sum of \$5,000.00 per year. Upon nomination of the Director, the Commission may appoint

such other employees as it may deem necessary for its work, fix their rates of pay and promote, demote and remove them at will. The Commission may also contract with planners and other consultants for such services as it may require. Anything in this section to the contrary notwithstanding, all officers and employees of the State Planning Commission who would otherwise be subject to the provisions thereof, shall be subject to the provisions of the Merit System Act approved March 2, 1939. The Director shall serve as secretary of the Commission and shall be custodian of the books, records and papers of the Commission, which he shall keep at the office of the Commission, and shall perform any and all functions and duties, and exercise any and all power and authority of the State Planning Commission, and shall have charge of all active functions and duties of the State Planning Commission, and the enforcement of the orders, rules and regulations of the State Planning Commission promulgated with respect thereto, subject, however, to the jurisdiction and direction of the State Planning Commission. Upon request of the Commission, the governor may, from time to time, for the purpose of special surveys under the direction of the Commission, assign or detail to the Commission members of the staffs or personnel of any State Administrative Department, bureau, institution or agency, or may direct any such department, bureau, institution or agency to make for the Commission special surveys or studies requested by the Commission. The Commission shall be provided with necessary office space and necessary equipment in the State Capitol or such other places as the needs of the Commission may require.

Section 2. That Section III of an act entitled "An Act to provide for State Planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section III. That the Legislature shall make the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provisions of this Act. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Legislature. All appropriations

heretofore or hereafter made for the salaries and other expenses of the State Planning Commission shall be expended only upon the approval of the Governor. The Commission may adopt rules and regulations for the transactions of its business and shall keep a record of its resolutions, transactions, findings and determinations.

Section 3. That Section V of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section V. (a) That the Commission shall have power to promote public interest in and understanding of the State Plan and the problems of the State planning and to that end may publish and distribute copies of the plan or any report and may employ such other means of publicity and education as it may determine. It may confer and cooperate with the executive, legislative or planning authorities of neighboring states and of the counties and municipalities of such states, for the purpose of bringing about a coordination between the development of such neighboring States, counties or municipalities and the development of the State of Alabama. The Commission shall advise and cooperate with municipal, county, regional and other local planning Commissions within the State for the purpose of promoting coordination between the State and local plans and development. The Commission shall, upon the request of any appropriate municipal, county or other local board or official, transmit information possessed by it which bears upon such coordination. The Commission may upon the request of the Board of County Commissioners of any county, the council of any municipality or the chief legislative body of any other political subdivision, make a study of and report upon any planning problem of such county, municipality or subdivision submitted to it, and the Commission may agree with any such Board, Council or body as to the amount, if any, to be paid to the Commission for any such service. The Commission may, upon request or at its own initiative, furnish advice or reports to any State officer or department on any problem falling within the field of state planning, and may advise the Governor and/or the Legislature on programs for public improvement and the financing thereof. The Commission may pre-

pare and submit to the Governor and/or the Legislature drafts of legislation for the carrying out of the master plan or of any part thereof, including zoning or landuse regulations, the making of official maps and the preservation of the integrity thereof, and regulations for the conservation of the natural resources of the State. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties, to promote State planning and to carry out the purposes of this Act. The Commission shall cooperate with other planning Commissions and authorities, including national and interstate planning boards, including the Tennessee Valley Authority and before making its report shall consult such national or interstate agency.

(b) That the Commission may establish and operate and advertising, travel, information, tourist and industrial development division.

(c) It shall be the further duty of the Commission to:

1. Collect, compile and distribute literature as to the facilities, advantages and attractions of the State, the historic, recreational and scenic points and places of interest within the State and the transportation and highway facilities of the state;

2. Plan and conduct a program of information and publicity designed to attract new industries, tourists, visitors and other interested persons from outside the state to the state and also encourage and coordinate the effects of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purpose;

3. Publicize the material and economic advantages of the state which render it a desirable place for business and residence;

4. Carry on such educational program as is necessary to familiarize the people of the state with the scenic, recreational, historic, industrial and agricultural advantages or needs of the state.

(d) The Commission is further authorized and empowered, within the limits of available funds, to:

1. Form contracts with agencies of any type or wherever situated that will tend to promote the objectives of advertising Alabama to non-residents.

2. To gather and compile information from branches of the State Government and others, that will promote authentic information for advertising purposes.

3. To enter into cooperative agreements and contracts with such individuals, partnerships, corporations, public or private, associations, societies, educational institutions, chambers of commerce, automobile associations and other organized groups as may be deemed advantageous and proper to effectuate the intent and purpose of this Act, provided, however, that an authenticated copy of all such contracts shall be filed with the Department of Finance and shall be approved by the Attorney General.

4. (a) To accept unconditional gifts of money to be expended in the furtherance of the purpose of this Act.

(b) Within the limits of available funds, to match any moneys advanced for the purpose of this Act by the Federal Government or by any State, County, Municipality, Corporation, Association, Society or Individual.

(c) Within the limits of available funds, to enter into such cooperative agreements or contracts with any instrumentality of the Federal Government, Municipality of County Government of Alabama or any other State or group of States which in the judgment of the State Planning Commission will effectuate the purpose of this Act.

Section 3½. Provided that no two of the four appointive members of the Commission shall be residents of the same Congressional District.

Section 3½A. Provided that the appropriations out of the General Fund for the administration of this Act shall not be paid to the State Planning Commission until all other appropriations shall have been met.

Section 4. That this Act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

And on motion of Mr. Beck, a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 223.

The Speaker of the House named as the Committee of Conference on the part of the House on the disagreement of the two houses on the Senate amendment to the bill, H. 223, Messrs. Beck, Kaul and Langan.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. J. R. 104. Be it resolved by the House, the Senate concurring, that when the two houses adjourn today, they adjourn to meet Thursday, August 31st, at nine o'clock.

And the H. J. R. No. 104 was adopted.

By Rules Committee:

H. R. 105. Making certain bills special, paramount and continuing orders for the 42nd Legislative Day.

And the H. R. No. 105 was adopted.

By Mr. Miller:

H. R. 106. Relative to making House Bill No. 723 a special order.

And the H. R. No. 106 was referred to the Standing Committee on Rules.

By Mr. Hardwick:

H. R. 107. Relative to making House bills, No. 419, 894, 893, 892 and 915 special orders.

And the H. R. No. 107 was referred to the Standing Committee on Rules.

By Mr. Segrest:

H. R. 108. Relative to making House Bills 802 and 803 special orders

And the H. R. No. 108 was referred to the Standing Committee on Rules.

By Mr. Newman and Mr. Hardwick:

H. J. R. 109. Whereas, The Southern States and especially the State of Alabama have been greatly damaged in the production of crops and especially cotton by recent floods; and

Whereas, we think it is to the vital interest of the economic condition of the United States that there be established a minimum price for cotton;

Therefore, Be It Resolved By The House of Representatives of the State of Alabama and the Senate concurring that the President of the United States do forthwith peg the price of cotton at not less than 12c per pound for cotton as a loan; and

Further Be It Resolved that a copy of this resolution be sent forthwith to the President of the United States and the Commissioner of Agriculture of the United States.

And on motion of Mr. Newman, the rules were suspended and the H. J. R. No. 109 was adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Pitts (with notice and proof):

H. 978. For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chilton, State of Alabama.
Local Legislation No. 1.

Notice and Proof H. 978:

NOTICE OF LOCAL BILL

Notice is hereby given of the intention to apply to the present Legislature of Alabama to enact a local law for Chilton County, Alabama, which proposed law is substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chiton. State of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That the Court of County Commissioners or like governing bodies of Chilton County, Alabama is hereby authorized, required and directed to draw or cause to be drawn a warrant on the County Treasury of Chilton Co. Alabama in favor of Mrs. Annie W. Reynolds and minor children for the sum of \$2500.00 as compensation to her and her said minor children in the death of her husband L. C. Reynolds, which occurred on the eighteenth day of December, 1937 and while the said L. C. Reynolds was working an as employee in the line of and performing his duties as an employee for the County of Chilton, State of Alabama and under such circumstances that the widow has no recourse at law to recover damages of compensation for his death. That the Treasury of Chilton County, Alabama is hereby authorized, required and directed to pay said warrant out of the County Treasury.

This Act shall take effect on its passage and approval by the Governor.
7-27 4tch.

The State of Alabama,
County of Chilton.

Before me, J. C. Pattillo, Clerk of the Circuit Court in and for said County and State, this day personally appeared T. E. Wyatt, who after being

duly sworn, says that he is publisher of The Union-Banner, a newspaper published weekly at Clanton, State of Alabama, and that the Notice of Local Law, a true copy of which is hereto attached, was published in said newspaper for four consecutive weeks, as follows: July 27, August 3, 10 and 17, 1939.

T. E. WYATT,
Publisher.

Sworn to and subscribed before me this August 17, 1939.

(SEAL) J. C. PATTILLO, Clerk Circuit Court,
Chilton County, Alabama.

By Mr. Pitts:

H. 979. To Further regulate the fees, commissions and compensation of the several Clerks of the Circuit Court of Alabama.
Judiciary.

By Mr. Taylor:

H. 980. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Agriculture.

By Mr. Tucker (by request):

H. 981. To further provide for the licensing of persons to practice law; to authorize, so far as the Legislature may authorize, the Honorable Supreme Court of the State of Alabama, in its discretion, to license, in a manner similar to that by which said Court does now, or shall, license Bachelor-of-Law graduates of the University of Alabama, or persons who have successfully passed the State Bar Examination, or in such other way as said Court may deem appropriate, any person to practice as an Attorney at Law, and Solicitor in Chancery, in all the Courts of the State of Alabama, who shall, by verified petition addressed to said Supreme Court, make known thereunto that he desires to practice law, in the interests of said State, and better to enforce the provisions of the Bill of Rights of the Constitution thereof, in the interests of the citizens of said State, and that he has, since the year 1912, graduated from the University of Alabama, or from the Alabama Polytechnic Institute, or from any other university which is, or shall be, by either of the two herein named, classified as being of a grade or standing equal, or superior, to either, and that the Department of Education of said State has, since said year, issued to him

a First Grade Teacher Certificate, and that he has, on an average of six hours a day, per six days a week, for nine months or longer, during each year of the four years last preceding the date of the presentation of said petition to said Court, diligently read and studied law, in the Supreme Court Library of said State, with the purpose of making himself learned in the law, and in the interests of said State, and said citizens; and who shall, with said petition, present to said Court a letter or certificate addressed thereto, and signed, by the Librarian of said Library, or by two attorneys of said State, in which it shall be stated, by said Librarian, or by said two attorneys, that, in his, or in their opinion, such person has so dilligently read and studied law, in said Library; and who shall with said petition, present to said Court a letter or certificate addressed thereto, and signed by two or more attorneys of said State, in which it shall be stated, by said attorneys, that, in their opinion, such person is upright, and honorable, and bears a good, moral character, and is sufficiently well learned in the law to engage in the practice of law; to provide that the method herein provided for the licensing of persons to practice law be made cumulative of any other method provided by law; to provide that such person, when so licensed, as herein provided, be regularly licensed to practice law, and that all the duties devolve upon, and that all the rights and privileges be extended to, any such person who, by the provisions of this Act, shall be licensed to practice law, as devolve upon, and as extended to, any other lawyer or attorney of the State, by the laws thereof.

Judiciary.

By Mr. Castleberry (with notice and proof) :

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Local Legislation No. 1.

Notice and proof H. 982:

NOTICE

Notice is hereby given of intention to apply to the 1939 regular session of the legislature of Alabama for passage of a local law for Conecuh County, in substance as follows:

A bill to be entitled an act to create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said county; to prescribe the powers, duties and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation, and the manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide for the election of their successors and to fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special or local, in conflict.

(July 20-27 - Aug. 3-10—c)

STATE OF ALABAMA,
CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for 4 consecutive weeks in said newspaper commencing on the 20th day of July, 1939, and ending on the 10th day of August, 1939.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 14th day of August, 1939.

ESSIE MAE AYCOCK,
Notary Public.

By Mr. Castleberry (with notice and proof):

H. 983. To alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.

Local Legislation No. 1.

Notice and proof H. 983:

NOTICE

Notice is hereby given of intention to apply to the 1939 regular session of the legislature of Alabama for passage of a local law, in substance as follows:

A bill to be entitled an act to alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.
(Aug. 3-10-17-24-C)

STATE OF ALABAMA,
CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for 4 consecutive weeks in said newspaper commencing on the 3rd day of Aug. 1939, and ending on the 24th day of Aug. 1939.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 28th day of Aug. 1939.

ESSIE MAE AYCOCK,
Notary Public.

By Mr. Castleberry (with notice and proof):

H. 984. To further regulate and define the powers, duties and authority of the Board of Revenue of Conecuh County, Alabama; to fix the qualifications of members of said board; to prescribe their terms of office; to provide the manner and time of their election; to fix their compensation; to provide for the filling of vacancies on said board; to provide for the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Local Legislation No. 1.

Notice and proof H. 984:

NOTICE

Notice hereby is given of intention to apply to the regular session of the Alabama legislature, which reconvenes July 18, 1939, for passage of a local law, in substance as follows:

A bill to be entitled an act to further regulate and define the powers, duties and authority of the Board of Revenue of Conecuh County, Alabama; to fix the qualification of members of said Board; to prescribe their terms of office; to provide the manner and time of their election; to fix their compensation; to provide for the filling of vacancies on said Board; to provide for the effective date of said Act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.
(July 6-13-20-27—c)

STATE OF ALABAMA, CONECUH COUNTY.

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for 4 consecutive weeks in said newspaper commencing on the 6th day of July, 1939, and ending on the 27th day of July, 1939.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 14th day of August, 1939.

ESSIE MAE AYCOCK,

Notary Public.

By Mr. Brown of Covington (with notice and proof):

H. 985. To amend an act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission."

Approved: January 8, 1937.

Local Legislation No. 1.

Notice and proof H. 985:

NOTICE OF AMENDMENT TO LOCAL ACT

NOTICE is hereby given that there will be introduced at the present session of the Legislature of Alabama an amendment to an Act, applicable only to Covington County, Alabama, which will be as follows:

"AN ACT

To Amend an Act Entitled:

"To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission."

Approved: January 8, 1937.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act entitled: "To define, regulate and license barbers and barber colleges and other like businesses in Covington County, State of Alabama, and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission," be and the same is hereby amended to read as follows:

The original fee for each barber's license shall be \$15.00, and the annual renewal fee shall be \$3.00. The original fee for any non-resident barber coming into Covington County shall be \$25.00.

Section II. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section III. This Act shall take effect immediately upon its passage and approval by the Governor."

Said Act to be amended was passed by the Legislature of Alabama, and was approved January 8, 1937. Said Act to be amended appears on Pages 3, 4, 5, 6, 7 and 8 of the Local Acts of Alabama, passed at the Special Session of 1936-1937, and is styled, "H 14-Hendley."

aug. 3-10-17-24

STATE OF ALABAMA,
COVINGTON COUNTY.

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, personally appeared Joe Jones, who being by me first duly sworn doth depose and say:

That he is the Editor of The Covington News, a weekly newspaper of general circulation published in Covington County, Alabama. Affiant further says that the notice hereto attached has been published in said newspaper for a period of four consecutive weeks, appearing in the issues of August 3, August 10, August 17, and August 24, 1939.

(Signed) JOE JONES.

Sworn to and subscribed before me this 26 day of August, 1939.

(Signed) A. R. POWELL, JR.,

(Seal)

Register in Equity.

By Mr. Barnes:

H. 986. To provide for the payment of the outstanding indebtedness against the Liberty Ridge Consolidated School Building.
Appropriations.

By Mr. Sherrer:

H. 987. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to authorize and require that all traffic and transactions in alcoholic liquors and beverages in the State of Alabama be prohibited, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the expiration of three months after the final adjournment of the present session of the legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day appointed for the said election is the date of the holding of the next general election held after the expiration of three months after the final adjournment of the present session of the legislature. The proposed amendment is as follows:

"The legislature at each regular session after the adoption of this amendment shall pass laws to make it unlawful for any person, firm, or corporation or association within this State to sell, offer for sale, keep or have in possession, barter, exchange or to give away, furnish at a public place or elsewhere, or otherwise dispose of, alcoholic liquors and beverages, or any of them, in any quantity or to accept the delivery of, or to receive, have in possession or possess in this State, any alcoholic liquors and and beverages, and to effectively prohibit all traffic and transactions in alcoholic liquors and beverages in the State of Alabama."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election, there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

"The legislature at each regular session after the adoption of this amendment shall pass laws to make it unlawful for any person,

firm, or corporation or association within this State to sell, offer for sale, keep or have in possession, barter, exchange or to give away, furnish at a public place or elsewhere, or otherwise dispose of, alcoholic liquors and beverages, or any of them, in any quantity or to accept the delivery of, or to receive, have in possession or possess in this State, any alcoholic liquors and beverages, and to effectively prohibit all traffic and transactions in alcoholic liquors and beverages in the State of Alabama.

"Yes (-----)"

No (-----)"

Section 4. The officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold general elections held in this State, and the election shall be held in all things in accordance with this Act, the law governing elections, and constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State and counted in the same manner as in elections of Representatives to the legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 987, proposing an amendment to the Constitution, was read one time at length, and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Dobbs and Mr. Golson:

H. 988. To authorize the appointment of an additional deputy sheriff in all counties of not less than 34,000 and not more than 35,000 population according to the last preceding or any subsequent federal census, to provide for fixing and payment of his compensation and to provide for his qualification, removal and appointment of his successor, and for the discontinuance of the office.

Local Legislation No. 1.

By Mr. McCord (with notice and proof):

H. 989. To abolish the fine and forfeiture fund of Etowah County, Alabama: To provide for the payment into the general fund of said County of all moneys which under existing laws or laws hereafter enacted, are payable into said fine and forfeiture

fund: To provide that witnesses summoned on behalf of the State and all other claims, including claims of the present and past Sheriffs and the claims of the present and past Clerks of the County Court and Clerks of the Circuit Court of Etowah County, which are payable out of the fine and forfeiture fund of Etowah County shall be paid out of the general fund of said County, to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same and to validate all witnesses certificate and claims of the present and past sheriffs of Etowah County, Alabama and the present and past Clerks of the County Court of Etowah County, Alabama and the present and past Clerks of the Circuit Court of Etowah County, Alabama, now outstanding against the Fine and Forfeiture Fund.

Local Legislation No. 1.

Notice and proof H. 989:

STATE OF ALABAMA,
ETOWAH COUNTY.

There was published in the ATTALLA PRESS, a newspaper in Etowah County authorized to accept legal advertising, for three consecutive weeks, to-wit; March 17th, March 24th and March 31, 1939 the following local bill which is applicable to Etowah County;

Notice is hereby given of the intent to introduce in the 1939 Session of the Legislature of Alabama the following proposed bill or act of the Legislature. Said Bill or proposed act will be introduced in either the General, special, extra or adjourned session of the Legislature of Alabama 1939. This notice is given in compliance with the Law and Constitution of Alabama. This March 14, 1939. Said Bill or act of the Legislature being as follows:

A BILL
TO BE ENTITLED
AN ACT

To abolish the fine and forfeiture fund of Etowah County, Alabama: To provide for the payment into the general fund of said County of all moneys which under existing Laws, or Laws hereafter enacted, are payable into said fine and forfeiture fund: To provide that witnesses summoned on behalf of the State and all other claims, including claims of the present and past Sheriffs and the claims of the present and past Clerks of the County Court and Clerks of the Circuit Court of Etowah County, which are payable out of the fine and forfeiture fund of Etowah County shall be paid out of the general fund of said County, to fix the priorities of said claims; to provide for the registration of same; to regulate the payment of same and to validate all witnesses certificates and claims of the present and past sheriffs of Etowah County, Alabama and the present and past Clerks of the County Court of Etowah County, Alabama and the present and past Clerks of the Circuit Court of Etowah County, Alabama, now outstanding against the Fine and Forfeiture Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: That the Fine and Forfeiture Fund of Etowah County, Alabama is hereby abolished.

Section 2: That it shall be the duty of the County depository or the County Treasurer of said County to transfer any and all moneys now on hand in the Fine and Forfeiture Fund of said County to the general fund of said County, and hereafter all moneys which under existing laws or laws hereafter enacted, are payable into the Fine and Forfeiture Fund of Etowah County, shall, from and after the passage of this act, be paid into the General Fund of said County.

Section 3: That after the trial or continuance of any case in the Circuit Court or in the County Court of Etowah County or upon discharge by the court of any witnesses summoned and appearing on behalf of the State and upon the discharge of any witnesses called before any session of the Grand Jury of said County, the clerk of the court or the foreman of the Grand Jury shall issue to him a certificate showing the total amount due to said witnesses for attendance, mileage and ferriage as provided by the General laws of the State of Alabama now in force or as may be hereafter amended. The foreman of the grand jury shall be furnished with a book of such certificates of attendance, numerically arranged, and so prepared that an exact carbon copy of each witness certificate issued shall appear in said book, and when the grand jury is discharged the foreman shall deliver to the Clerk of the Circuit Court said duplicate witness certificates and the clerk of said Court shall thereupon certify to the County Depository or County Treasurer a list of all such certificates issued, showing the names of the persons to whom issued and the amount due on each such witness certificate and the number of same.

Section 4: That it is hereby made the duty of the County Depository or the County Treasurer, if there should be such officer, to pay each witness certificate whether issued by the clerk of the Circuit Court, the Clerk of the County Court, or the foreman of the grand jury, on its presentation by the owner thereof, and to take up and cancel each one as it is paid, and also to mark same paid.

Section 5: All claims or witness certificates as above set out shall be preferred claims against the County, and shall have the same priority as is now provided by Law for expenses of Courts and claims of grand and petit jurors. The County Treasurer or County Depository is hereby authorized and directed before each term of said Circuit Court and said County Court to retain out of the general funds of said County an amount sufficient to pay said witness certificates herein provided for.

Section 6: Whenever the cost in any criminal case in said Courts is imposed on the defendant or prosecutor, the fees of the witnesses for the State, both before the grand jury and upon the trial, shall be taxed against him as is now provided by law, and when said witness fees are so collected, they shall be paid by the officers collecting same into the County Depository of County Treasurer and be especially deposited to the preferred claim fund or classification from which the payment of witness certificates herein above set out are to be paid.

Section 7: That the fees of the present and past Clerks of the Circuit Court, the fees of the past Clerk of the County Court, and the fees of the past and present Sheriffs of said County which are now claims or which may hereafter be claims against the Fine and Forfeiture Funds of Etowah County, Alabama shall be and are hereby made claims upon the General Funds of Etowah County, Alabama and shall be paid by the County Depository or the County Treasurer of Etowah County, Alabama out of the general fund of said County to the persons or parties to whom they are due. That hereafter where a nolle prosequi is entered or where the case is abated by the death of the Defendant or where an indictment is withdrawn and filed or where execution is returned "no property found", the fees due the Clerk of the Circuit Court and the Clerk of the County Court and the Sheriff of said County

shall be paid out of the General Fund of said County in the same manner and method as the same are now paid out according to law. That the preferred claims and all of the claims mentioned in Section 7, hereof, shall be and are hereby made preferred claims against the General Fund of Etowah County, Alabama with the same priority of payment as is now provided by General law for payment of compensation to the Sheriff and Clerks of the Circuit Court.

Section 8: That the County Depository or the County Treasurer shall keep a separate book for the registration of all witness certificates and claims of officers which would otherwise be payable from the fine and forfeiture fund for the purpose of registering the aforesaid claims and shall immediately transfer to said book all such claims now registered against the fine and forfeiture fund, preserving the same priorities that said claims now enjoy.

Section 9: If at any time there should not be sufficient funds in the County Depository of the County Treasurer for the payment of the witness certificates and claims herein provided to be paid, over and above the amount necessary to pay preferred claims of prior rank, the County Depository of the County Treasurer shall pay off said certificates and claims in the order in which they shall be registered by the holders thereof.

Section 10: That all claims, script and certificates issued to witnesses summoned on behalf of the State before the grand jury or before the Circuit Court or County Court of Etowah County, Alabama and all such claims, script and certificates issued heretofore or hereafter to any Sheriffs of said County and to any Clerks of the Circuit Court and to any Clerk of the County Court of said County; be and the same are hereby ratified and made legal provided such claim or claims have heretofore been registered against the fine and forfeiture fund of Etowah County, Alabama and the County Depository or County Treasurer is hereby authorized, empowered and directed to permit the registration of same against the General fund of said County in the regular order of the claims against the County. Such claims, script and certificates may be sold, transferred or assigned by the owner thereof, according to law and said claims must be paid upon due permit as herein set out to the party or parties legally entitled to collect the same.

Section 11: Be it further enacted that if any section or provision of this Act shall be declared unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision herein which is not in and of itself unconstitutional.

Section 12: That all laws and parts of laws in conflict with the provisions of this act be, and they hereby are, repealed; this Act shall go into effect immediately upon its passage and approval by the Governor.

This the 12th Day of June, 1939.

ROBERT R. GIBSON,

Editor and Publisher, THE ATTALLA PRESS

Subscribed and sworn to before me this the 12th day of June, 1939.

ETHEL S. HENDRY,

Notary Public, Etowah County, Ala.

My commission expires March 23, 1942.

(SEAL)

By Mr. McCord:

H. 990. To amend Section 3800 of the Code of Alabama of 1923.
Judiciary.

By Mr. McCord:

H. 991. To amend Section 3801 of the Code of Alabama of 1923.
Judiciary.

By Mr. McCord:

H. 992. To amend Section 3802 of the Code of Alabama of 1923:
Judiciary.

By Mr. McCord:

H. 993. To amend Section 4158 of the Code of Alabama of 1923.
Judiciary.

By Mr. McCord:

H. 994. To provide that in all counties of the State of Alabama which have according to the last Federal census a population of not less than sixty thousand and not more than eighty thousand the Judge of the County Court in such County shall be ex-officio judge of the Juvenile Court of such county except in those counties where provision has been made to the contrary heretofore by special or local act; to provide that the Juvenile Court in such counties and the officers of the Juvenile Court in such counties shall be separate and apart and their duties shall be separate and apart from any other court, agency, bureau or relief board and to repeal all laws in conflict therewith.

Judiciary.

By Mr. McCord:

H. 995. To authorize and provide for the payment of the sum of Nine Thousand Four Hundred and Fifty-one and 96/100 Dollars (\$9,451.96) as salary due the teachers and employees of the Alabama School of Trades for services rendered the Alabama School of Trades located at Gadsden, Etowah County, Alabama, for and during the school years of 1934, 1935, and 1936.

Appropriations.

By Mr. Smyer:

H. 996. A bill to be entitled An Act to propose and submit to the qualified electors of this state an amendment to the constitution of this state, to be known as the Securities Tax Amendment, defining the term "securities" as used therein to include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state and also any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state; granting to the Legislature power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions, except that such excise tax shall not be levied on evidences of ownership in corporations organized under the laws of any government other than this state when more than 50% of the gross annual income of such corpora-

tions is derived from sources within this state, or on evidences of indebtedness of such corporations when such evidences of indebtedness are secured by mortgage on property located in this state and such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon; and providing that no ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

Securities Tax Amendment. The term "securities" as used herein shall include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state, and shall also include any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state. The Legislature shall have the power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions; provided, that such excise tax shall not be levied on any such evidence of ownership when more than 50% of the gross annual income of the corporation by which such evidence of ownership was issued is derived from sources within this state; provided further, that such excise tax shall not be levied on any such evidence of indebtedness secured by mortgage on property located in this state when such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon. No ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Section 2. An election by the qualified electors of the State of Alabama is hereby ordered on the amendment to the constitution of Alabama proposed in Section 1 hereof, and the day appointed for such election is the day of the next general election after the final adjournment of the session of the Legislature at which the said amendment is proposed.

Section 3. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the state once a week for eight consecutive weeks next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed or partly printed and partly written the following:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

Securities Tax Amendment. The term "securities" as used herein shall include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state, and shall also include any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state. The Legislature shall have the power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions; provided, that such excise tax shall not be levied on any such evidence of ownership when more than 50% of the gross annual income of the corporation by which such evidence of ownership was issued is derived from sources within this state; provided further, that such excise tax shall not be levied on any such evidence of indebtedness secured by mortgage on property located in this state when such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon. No ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Yes (.....)

No (.....)"

Section 5. The officers for such election shall be appointed and the said election shall be held in all respects as provided by the law governing general elections in the State of Alabama.

Section 6. The votes cast in such election shall be canvassed and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 996, proposing an amendment to the Constitution, was read one time at length and referred to

the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Smyer:

H. 997. To amend and reenact an act entitled "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers", approved January 26, 1937.

Local Legislation No. 2.

By Mr. Snyder:

H. 998. To amend Sub-section (b) of Schedule 158.14 of Section 348 of an Act entitled An Act to Provide for the General Revenue of the State of Alabama, approved July 10, 1935.

Ways and Means.

By Mr. Snyder:

H. 999. Relating to a system of retirement from the public service of personnel hereafter employed by any City which may now or hereafter have a population of one hundred thousand inhabitants or more according to the last or any succeeding Federal Census and of retirement allowances for such retired personnel and of benefits for such employees and of contributions from such city and such employees and the investment and reinvestment thereof for the financing of such allowances and benefits.

Local Legislation No. 2.

By Mr. Gwin (with notice and proof):

H. 1000. To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first license Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected.

Local Legislation No. 2.

Notice and proof H. 1000:

To Whom It May Concern:

You will take notice that at the adjourned session of the Legislature of Alabama which convenes on July 18, 1939, a bill will be introduced and its enactment applied for, which said bill will be in substance as follows:

To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said County; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation of said office and to define the duties and powers of said office; to provide for clerical and other assistants for said office and to provide for the fixing of their compensation and the payment of the same out of said County Treasury or out of the fees of said office; to provide that said office and the employees thereof shall be subject to and regulated by civil service; to provide for and fix the fees, costs, penalties, commissions, and other charges of said officer, and to provide for and regulate the disposition of the same after they are collected.

The Call—July 8-15-22-29, 1939.

STATE OF ALABAMA,
JEFFERSON COUNTY.

AFFIDAVIT

Personally appeared before me, the undersigned authority, Clarice Bachus, who first being duly sworn by me, deposes and says on oath that she is the Bookkeeper and Clerk for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 8th day of July, 1939.

CLARICE BACHUS

Subscribed and sworn to before me on this the 29th day of July, 1939.

GEORGE M. HOWLE,

(SEAL)

Notary Public.

By Mr. Snyder:

H. 1001. To further regulate statutory inferior courts other than those created in lieu of justices of the peace in counties of the state having a population of 300,000 or more according to the last of any subsequent Federal census; to further provide for the service or execution of the processes of such courts, and define the powers and duties of the several sheriffs of the state and their deputies with respect to such processes; to further provide for the registration of judgments of such courts, the liens thereof and the issuance of executions thereon.

Local Legislation No. 2.

By Mr. Hill:

H. 1002. To promote the general welfare of the State by making an appropriation to aid the several counties and their political subdivisions in providing hospital care for indigent or destitute sick persons; to define methods by which allocation to the several

counties shall be made; to create a State Hospital and Medical Board for the needy and medically needy for the purpose of administering the Act and to define the authority of said Board.

Appropriations.

By Mr. Hill:

H. 1003. To amend Schedule 79 of Article XIII, Chapter 1, Section 348, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Ways and Means.

By Messrs. Langan, Megginson, and Stone (with notice and proof):

H. 1004. To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

Local Legislation No. 1.

Notice and proof H. 1004:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows:

AN ACT ENTITLED AN ACT

To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Personnel Board created or to be created under any law providing for any County-wide Civil Service System in Mobile County, Alabama, is hereby vested with authority to allow any person who, at the time of the passage of this Act, is employed in any employment to which any such Civil Service System is applicable, to hold any such position, notwith-

standing that such person is related by blood or marriage, within any degree, to any public officer who is his or her superior, or so related to any member of any Board or Body, having the power of appointment over such position.

Section 2. All laws or parts of laws in so far as the same may be in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage.
july24-31-aug7-14

H. N. Curran, being sworn, says that he is auditor of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, July 24, 31; Aug. 7 and 14, 1939.

H. N. CURRAN,

Sworn to and subscribed before me this 23rd day of August, 1939.

ALETTA MOLPUS,

(SEAL)

Notary Public.

By Messrs. Booth and Clayton (with notice and proof):

H. 1005. For the relief of Mollie Richardson and to authorize the County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

Local Legislation No. 1.

Notice and proof H. 1005.

LEGAL NOTICE

Notice is hereby given that a Bill will be introduced at the present Session of the Legislature of Alabama for passage and approval, said Bill to be substantially as follows:

A Bill to be entitled an Act for the relief of Mollie Richardson and to authorize The County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County Commission or other Governing Body of Russell County, Alabama, be and it is hereby authorized and directed to pay to Mollie Richardson the sum of One Hundred Sixty-five (\$165.00) Dollars to compensate her for the loss of a mule killed upon a bridge on a public road in Russell County, Alabama, by falling through the floor of said bridge on or about the 10th day of January, 1937, and the Chairman of the County Commission of said County be and he is hereby authorized and directed to draw a warrant upon the County Treasury of said County for the payment of said sum out of the Gas Tax of said County collected by the State of Alabama and paid over to said County for the construction, repair and improvement of public roads.

Section 2. This Act shall become effective upon approval by the Governor.
29-4ts.

THE STATE OF ALABAMA,
RUSSELL COUNTY.

Before me Isaac I. Moses, a Notary Public personally appeared Isabel A. Moses, Publisher of The Phenix-Girard Journal, who being duly sworn,

deposes and says that the attached Legal Notice was published in the Phenix-Girard Journal, a weekly newspaper published in Phenix City, in Russell County, Alabama, and entered as second class mail matter in the U. S. Government Post-Office at Phenix City, Ala., for more than fifty-two successive weeks, prior to the publication of the above notice which ran for 4 consecutive weeks, viz: in the issues of July 21st, 28th, August 4th and 11th, 1939.

ISABEL A. MOSES,

Publisher.

Sworn to and subscribed before me, the 22nd day of August, 1939.

ISAAC I. MOSES,

Notary Public.

(SEAL)

By Mr. Mayhall (with notice and proof):

H. 1006. To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama for or which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

Public Roads and Highways.

Notice and proof H. 1006:

NOTICE

The following bill will be introduced at the present session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the legislature of Alabama for or which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners of Winston County, Alabama, or other like governing body of said County is hereby required to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at said session or any subsequent session of the

Legislature of Alabama, for or which applies alone to the said County of Winston, and out of any money in the treasury of said County not otherwise appropriated; Provided, said notice so published was published or caused to be published by the Representative of said county or by the State Senator from the Senatorial District which includes Winston County, Alabama.

Section 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section 3. This act shall take effect and become a law immediately upon its passage and approval by the Governor.

STATE OF ALABAMA, WINSTON COUNTY.

Personally appeared before me the undersigned authority in and for said county and state, J. M. Lakeman, who after being duly sworn deposes and says:

My name is J. M. Lakeman. I am editor and publisher of The Advertiser-Journal, a newspaper of general circulation, published weekly in Haleyville, Winston County Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 3rd day of August, 1939, and the last copy of said publication appearing in the said paper on the 24th day of August, 1939.

J. M. LAKEMAN.

Sworn and subscribed to before me this 28 day of Aug., 1939.

BERNICE YOUNGBLOOD,

Notary Public.

By Mr. Mayhall (with notice and proof):

H. 1007. To authorize, permit, empower and direct the Court of County Commissioners, or Highway Board, or any like Governing Body of Winston County, Alabama, to appropriate two (2%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several counties of this State, such appropriation to be paid monthly into the general funds of the City of Haleyville, Alabama, and to be used by said city for the construction, maintenance or repair of roads and bridges in the corporate limits of said city; and to abolish the collection of street tax in the city of Haleyville, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when said Act shall go into effect.

Public Roads and Highways.

Notice and Proof H. 1007:

NOTICE

The following bill will be introduced at the present session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To authorize, permit, empower and direct the Court of County Commissioners, or Highway Board, or any like Governing Body of Winston County, Alabama, to appropriate two (2%) per centum of all funds derived from the exercise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several counties of this State, such appropriation to be paid monthly into the general funds of the City of Haleyville, Alabama, and to be used by said city for the construction, maintenance or repair of roads and bridges in the corporate limits of said city; and to abolish the collection of street tax in the city of Haleyville, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when said Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section One. The Commissioners Court, Highway Board, or similar governing body of Winston County, Alabama, is hereby authorized, empowered, permitted and directed to appropriate two (2%) per centum of all funds derived and received, now or hereafter by Winston County, Alabama, from the State of Alabama, from the excise tax or any other tax on gasoline or any other liquid motor fuel levied and collected by the State of Alabama for the use and benefit of the several counties of this State, to the City of Haleyville, Alabama, to be paid into the Treasury of said City. The appropriation herein provided for shall be paid monthly as such funds are received by the County, and said funds shall be used by said city for the purpose of construction, maintenance, up-keep and repair of roads and bridges within the corporate limits of the City of Haleyville, Ala.

Section Two. At the first meeting of the Commissioners Court, Highway Board, or like governing body of Winston County, Alabama, after the passage and approval of this Act, and the receipt from the State of Alabama of the monthly payment to Winston County, Alabama, of the sum from such excise tax on gasoline or other liquid motor fuel, such Commissioners Court, Highway Board, or like governing body of Winston County, Alabama, shall order a warrant to be drawn on said special fund in the sum of two (2%) per centum of the amount received by Winston County, Alabama, and it shall be the duty of the proper officer of said Commissioners Court, Highway Board, or other governing body of Winston County, Alabama, to draw a warrant for said amount, payable to the City of Haleyville, Alabama, and deliver the same to the Treasurer of said City for deposit.

Section Three. The City of Haleyville, Alabama, is hereby prohibited from levying or collecting any street tax from the citizens of said city, subject to street tax, after the approval of this Act, so long as this Act may be and remain in effect.

Section Four. The provisions of this act shall go into effect on its passage and approval by the Governor.

Section Five. All laws, parts of laws, local or general, in conflict with the provisions of this Act are hereby expressly repealed. 8:3-4t.

STATE OF ALABAMA,
WINSTON COUNTY.

Personally appeared before me the undersigned authority in and for said county and state, J. M. Lakeman, who after being duly sworn deposes and says:

My name is J. M. Lakeman. I am editor and publisher of The Advertiser-Journal, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was

published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 3rd day of August, 1939, and the last copy of said publication appearing in the said paper on the 24th day of August, 1939.

J. M. LAKEMAN.

Sworn and subscribed to before me this 28th day of August, 1939.

BERNICE YOUNGBLOOD,
Notary Public.

By Mr. Boswell (with notice and proof):

H. 1008. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

Local Legislation No. 1.

Notice and proof H. 1008:

NOTICE

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama to abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeits rendered in said Court and executions thereon, and to repeal all laws relating to the salary of Judges of said County Court.

E. C. BOSWELL.

adv c—ecb—au 3-10-17-24

STATE OF ALABAMA, GENEVA COUNTY

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala., do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing August 3, 1939, and ending August 24, 1939.

WITNESS my hand this 28th day of August, 1939.

H. G. WILKINSON.

Sworn to and subscribed before me this 28th day of August, 1939.
Printer's Fee \$4.00.

W. R. DRAUGHON,
Register of Circuit Court in Equity.

By Mr. Boswell (with notice and proof):

H. 1009. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the

amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement.

Local Legislation No. 1.

Notice and Proof H. 1009:

NOTICE

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama to establish in and for Geneva County, Alabama, a Court to be called The Inferior Court of Geneva County; to prescribe the powers and jurisdiction of said Court; to provide for its officers, their powers, duties and compensations, and time of holding said Court; to prescribe the rules of procedure in said Court; to provide for the transfer of all misdemeanor cases now on the Circuit Court docket in said County to the said Court, and for the transfer to the said Court of all misdemeanor cases which may hereafter be returned by indictment into the Circuit Court, and to provide for the transfer of all cases now on the County Court docket in said County to said Court; and to provide for the transfer, by agreement of parties, of all civil suits new pending on said Circuit Court docket, where the amount involved does not exceed the jurisdiction of said Court, and to provide terms and sessions thereof to be held at Geneva, in Geneva County, Alabama.

E. C. BOSWELL.

adv c—ecb—au 3-10-17-24

STATE OF ALABAMA GENEVA COUNTY

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala., do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing August 3, 1939, and ending August 24, 1939. Witness my hand this 24th day of August, 1939.

H. G. WILKINSON

Sworn to and subscribed before me this 24th day of August, 1939.
Printer's Fee, \$8.82.

W. R. DROUGHON,

Register of Circuit Court in Equity.

(SEAL)

By Mr. Boswell (with notice and proof):

H. 1010. To regulate the Fine and Forfeiture Fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of the Fine and Forfeiture Fund; to prescribe the duties of the County Treasurer or other custodian of county funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

Local Legislation No. 1.

Notice and Proof H. 1010:

NOTICE

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama to regulate the Fine and Forfeiture fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of Fine and Forfeiture fund; to prescribe the duties of the County Treasurer or other custodian of County funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only, and to provide for the transfer of surplus funds from the Fine and Forfeiture fund to the General Fund.

E. C. BOSWELL.

adv c—ecb—aug 3-10-17-24

STATE OF ALABAMA GENEVA COUNTY

I, H. G. Wilkinson, Editor and Proprietor of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala., do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of four consecutive weeks, commencing August 3, 1939, and ending August 24, 1939.

WITNESS my hand this 24th day of August, 1939.

H. G. WILKINSON.

Sworn to and subscribed before me this 24th day of August, 1939.

Printer's Fee, \$6.70.
(SEAL)

W. R. DROUGHON,
Register of Circuit Court in Equity.

By Mr. Mathews of Clarke (notice and proof):

H. 1011. To authorize, require, and provide for the payment of the sum of \$272.89 by Clarke County, Alabama for the relief of E. Brewer, Lower Peach Tree, Alabama said sum being an amount paid by him to Clarke County, Alabama for ad valorem taxes through error in the years 1915 through 1933, both inclusive.

Local Legislation No. 1.

Notice and proof H. 1011:

Notice is hereby given that the following bill will be introduced in the Regular Session of the Alabama Legislature:

A BILL TO BE ENTITLED AN ACT

To authorize, require, and provide for the payment of the sum of \$272.89 by Clarke County, Alabama for the relief of E. Brewer, Lower Peach Tree, Alabama, said sum being an amount paid by him to Clarke County, Alabama for ad valorem taxes through error in the years 1915 through 1933, both inclusive.

WHEREAS, E. Brewer, during the years 1915 through 1933, both inclusive, paid to Clarke County, Alabama, \$272.89 for ad valorem taxes through error; and

WHEREAS, the said E. Brewer was not due to pay Clarke County, Alabama any part of said sum for ad valorem taxes during said years; and

WHEREAS, the said E. Brewer paid to Clarke County, Alabama, all advalorem taxes due by him during said years; and

WHEREAS, the said sum was covered into the general fund and the road and bridge fund of Clarke County, Alabama, respectively, in the same proportion that the rate of ad valorem taxation levied for the benefit of each of said funds bears to the total rate of ad valorem taxation levied for county purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That upon the passage and approval of this Act, the Probate Judge of Clarke County, Alabama, is hereby authorized and required to draw his warrants on the County Treasury in favor of E. Brewer for the sum of \$272.89, said warrants to be drawn against and payable out of the general fund and the road and bridge fund, respectively, in the same proportion that the rate of ad valorem taxation levied for the benefit of each of said funds bears to the total rate of ad valorem taxation levied for county purposes, the total to be paid out of all of said funds to be \$272.89.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.
3-8, 15,22,29.

STATE OF ALABAMA,
CLARKE COUNTY.

Before me, Myrtie M. McCrory, a Notary Public in and for said State and County personally appeared Earl L. Tucker, who being duly sworn deposes which says that he is the publisher of the Thomasville Times, a weekly newspaper, being published in Thomasville in Clarke County and the proof of publication a true copy of which is attached hereto was published for four consecutive weeks in said paper.

EARL L. TUCKER.

Sworn to and subscribed to me this 28th day of August, 1939.

MYRTIE M. MCCRORY,
Notary Public.

By Mr. Mathews of Clarke (notice and proof):

H. 1012. To authorize, require, and provide for the payment of the sum of \$212.78 by the County Board of Education of Clarke County, Alabama for the relief of E. Brewer, Lower Peach Tree,

Alabama, said sum being an amount paid by him to the school funds of Clarke County, Alabama, for ad valorem taxes through error in the years 1915 through 1933, both inclusive.

Local Legislation No. 1.

Notice and proof H. 1012:

Notice is hereby given that the following bill will be introduced in the Regular Session of the Alabama Legislature:

A BILL TO BE ENTITLED AN ACT

To authorize, require, and provide for the payment of the sum of \$212.78 by the County Board of Education of Clarke County, Alabama for the relief of E. Brewer, Lower Peach Tree, Alabama, said sum being an amount paid by him to the school funds of Clarke County, Alabama, for ad valorem taxes through error in the years 1915 through 1933, both inclusive.

WHEREAS, E. Brewer, during the years 1915 through 1933, both inclusive, paid to the County Board of Education of Clarke County, Alabama, \$212.78 for ad valorem taxes through error; and

WHEREAS, the said E. Brewer was not due to pay the County Board of Education of Clarke County, Alabama, any part of said sum for ad valorem taxes during said years; and

WHEREAS, the said E. Brewer paid to the County Board of Education of Clarke County, Alabama, all ad valorem taxes due by him during said years; and

WHEREAS, the said sum was covered into the various county and district school funds of Clarke County, Alabama, respectively in the same proportion that the rate of ad valorem taxation levied for the benefit of each of said funds bears to the total rate of ad valorem taxation levied for school purposes in Clarke County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That upon the passage and approval of this Act, the Superintendent of Education of Clarke County, Alabama, and the County Board of Education of Clarke County, Alabama, are hereby authorized and required to draw their warrants on the school funds of Clarke County, Alabama, in favor of E. Brewer for the sum of \$213.78, said warrants to be drawn against and payable out of each of the various county and district school funds of said county, respectively, in the same proportion that the rate of ad valorem taxation levied for the benefit of said funds bears to the total rate of ad valorem taxation levied for school purposes in Clarke County, Alabama, the total to be paid out of all of said funds to be \$212.78.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA,
CLARKE COUNTY.

Before me, Myrtie M. McCrory, a Notary Public, in and for said State and County personally appeared Earl L. Tucker, who being duly sworn deposes which says that he is the publisher of the Thomasville Times, a weekly newspaper in Thomasville, in Clarke County and proof of publication a true

copy of which is attached hereto was published for four consecutive weeks in said paper.

EARL L. TUCKER.

Sworn to and subscribed to me this the 28th day of August, 1939.

MYRTIE M. McCORRY,

Notary Public.

By Mr. Newman:

H. 1013. To amend Subsection (a) of Schedule 158.3 of Section 348, Chapter 6 of Article XIII of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935, as amended by an act entitled "An Act to amend Schedule 158.3 of Section 348, in Chapter 6 of Article XIII, of an Act of the Legislature of Alabama approved July 10, 1935, entitled 'An Act to provide for the general revenue of the State of Alabama,'" approved September 14, 1935.

Ways and Means.

By Mr. Newman:

H. 1014. To amend Section 4159 of the Code of Alabama, 1923, as amended by Act No. 550, approved July 23, 1931.

Judiciary.

By Mr. Doster (notice and proof):

H. 1015. To amend Section 4 of an Act of the Legislature entitled: "An Act to amend an Act of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensations of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931,"; as amended by Acts of the Legislature of Alabama approved August 8, 1935, and found in Local Acts of Alabama, at pages 136 and 137.

Local Legislation No. 1.

Notice and proof H. 1015:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama providing that the salary of the Superintendent of Education of Autauga County be fixed at not less than \$2,000 per annum nor more than \$2400 per annum, the exact amount to be fixed by the Board of Education of Autauga County, Alabama.

3A4

AFFIDAVIT OF PUBLICATION

This is to certify that the attached notice appeared in The Prattville Progress, a newspaper published in the City of Prattville and the County of Autauga, Alabama, for 4 consecutive issues, namely those of Aug. 3, 10, 17, 24, 1939.

The Prattville Progress, in which the attached advertisement was carried, has a general circulation in the county in which it is published, which newspaper has been mailed under second-class mailing privileges for 52 consecutive weeks prior to the publication of the said notice.

And further, a copy of The Prattville Progress containing the first notice was mailed on the day of 19....., to the at his last known address.

HARRY W. DOSTER,
Owner and Editor.

Sworn to and subscribed before me, this 25th day of August, 1939.

S. S. MIMS,
Notary Public.

By Mr. Dominick:

H. 1016. To amend Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Ways and Means.

By Mr. Sadler:

H. 1017. To amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of One hundred dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Education.

By Mr. Welch (with notice and proof):

H. 1018. To better provide for the office of Deputy County Treasurer of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of

the said Deputy County Treasurer of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy County Treasurer of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Local Legislation No. 2.

Notice and proof H. 1018:

NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given of the intention to introduce a bill in and apply for the passage thereof by the Legislature of Alabama during the regular session of 1939 the substance of which bill shall be to better provide for the office of Deputy Treasurer of and for the Bessemer Division of Jefferson County, Alabama, by providing for and fixing the time of the election of said Deputy Treasurer to fill said office by the qualified electors of said Division of said County and the appointment of such officer by the Governor in the event of a vacancy in said office, by better defining the qualifications of such office and fixing the amount and source of its compensation and the manner and time of the payment thereof, by better defining the powers and prescribing the duties and fixing the term of office of said officer, providing for the clerks and employees in said office and the manner of fixing their compensation and the manner of their selection and the business to be transacted in said office and generally providing for said office and the personnel and operation thereof.

B. M. McELROY.

Tribune-Advertiser,
Jan. 6-13-20-27, 1939.

STATE OF ALABAMA, JEFFERSON COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared W. E. Miller, Editor of the Tribune Advertiser, a newspaper published at Bessemer, Jefferson County, Alabama, who, being duly sworn, deposes and says that the notice, the copy of which is hereto attached, was published in the said Tribune Advertiser once a week, for four consecutive weeks, namely: January 6, 1939, January 13, 1939, January 20, 1939, and January 27, 1939, without cost to the State.

W. E. MILLER
Editor.

Sworn and subscribed to before me, this 28th day of January, 1939.
(SEAL)

LOUISE GWILLIM,
Notary Public.

By Mr. Welch (with notice and proof):

H. 1019. To better provide for the office of Deputy Probate Judge of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Probate Judge of said Bessemer Division; to define

the jurisdiction thereof, to prescribe the business of the Deputy Probate Judge of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Local Legislation No. 2.

Notice and proof H. 1019:

NOTICE

TO WHOM IT MAY CONCERN;

Notice is hereby given of the intention to introduce a bill in and apply for the passage thereof by the Legislature of Alabama during the regular session of 1939 the substance of which bill shall be to better provide for the office of Deputy Probate Judge of and for the Bessemer Division of Jefferson County, Alabama, by providing for and fixing the time of the election of said Deputy Probate Judge to fill said office by the qualified electors of said Division of said County and the appointment of such officer by the Governor in the event of a vacancy in said office, by better defining the qualifications of such office and fixing the amount and source of its compensation and the manner and time of the payment thereof, by better defining the powers and prescribing the duties and fixing the term of office of said officer, providing for the clerks and employees in said office and the manner of fixing their compensation and the manner of their selection and the business to be transacted in said office and generally providing for said office and the personnel and operation thereof.

B. M. McELROY.

Tribune-Advertiser,
Jan. 6-13-20-27, 1939.

STATE OF ALABAMA, JEFFERSON COUNTY.

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W. E. MILLER,
Editor.

Sworn and subscribed to before me, this 28th day of January, 1939.

LOUISE GWILLIM,
Notary Public.

(Seal)

By Mr. Welch (with notice and proof):

H. 1020. To better provide for the office of Deputy Tax Assessor of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Assessor of said Bessemer Division; to define the

jurisdiction thereof, to prescribe the business of the Deputy Tax Assessor of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Local Legislation No. 2.

Notice and proof H. 1020:

NOTICE

TO WHOM IT MAY CONCERN;

Notice is hereby given of the intention to introduce a bill in and apply for the passage thereof by the Legislature of Alabama during the regular session of 1939 the substance of which bill shall be to better provide for the office of Deputy Tax Assessor of and for the Bessemer Division of Jefferson County, Alabama, by providing for and fixing the time of the election of said Deputy Tax Assessor to fill said office by the qualified electors of said Division of said County and the appointment of such officer by the Governor in the event of a vacancy in said office, by better defining the qualifications of such office and fixing the amount and source of its compensation and the manner and time of the payment thereof, by better defining the powers and prescribing the duties and fixing the term of office of said officer, providing for the clerks and employees in said office and the manner of fixing their compensation and the manner of their selection and the business to be transacted in said office and generally providing for said office and the personnel and operation thereof.

B. M. McELROY.

Tribune-Advertiser,
Jan. 6-13-20-27, 1939.

STATE OF ALABAMA, JEFFERSON COUNTY.

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W. E. MILLER,
Editor.

Sworn and subscribed to before me, this 28th day of January, 1939.
(SEAL)

LOUISE GWILLIM,
Notary Public.

By Mr. Welch (with notice and proof):

H. 1021. To better provide for the office of Deputy Tax Collector of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Collector of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Tax

Collector of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Local Legislation No. 2.

Notice and proof H. 1021:

NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given of the intention to introduce a bill in and apply for the passage thereof by the Legislature of Alabama during the regular session of 1939 the substance of which bill shall be to better provide for the office of Deputy Tax Collector of and for the Bessemer Division of Jefferson County, Alabama, by providing for and fixing the time of the election of said Deputy Tax Collector to fill said office by the qualified electors of said Division of said County and the appointment of such officer by the Governor in the event of a vacancy in said office, by better defining the qualifications of such office and fixing the amount and source of its compensation and the manner and time of the payment thereof, by better defining the powers and prescribing the duties and fixing the term of office of said officer, providing for the clerks and employees in said office and the manner of fixing their compensation and the manner of their selection and the business to be transacted in said office and generally providing for said office and the personnel and operation thereof.

B. M. McELROY,

Tribune-Advertiser,
Jan. 6-13-20-27, 1939.

STATE OF ALABAMA, JEFFERSON COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared W. E. Miller, Editor of the Tribune Advertiser, a newspaper published at Bessemer, Jefferson County, Alabama, who being duly sworn, deposes and says that the notice, the copy of which is hereto attached, was published in the said Tribune Advertiser once a week, for four consecutive weeks, namely: January 6, 1939, January 13, 1939, January 20, 1939, and January 27, 1939, without cost to the State.

W. E. MILLER,
Editor.

Sworn and subscribed to before me, this 28th day of January, 1939.
(SEAL)

LOUISE GWILLIM,
Notary Public.

By Mr. Welch (with notice and proof):

H. 1022. To better provide for the office of Chief Deputy Sheriff of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation and fix the powers, the term of office and duties of the said Chief Deputy Sheriff of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Chief Deputy Sheriff of said Division; to provide for the clerks and employees

in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Local Legislation No. 2.

Notice and proof H. 1022:

NOTICE

TO WHOM IT MAY CONCERN;

Notice is hereby given of the intention to introduce a bill in and apply for the passage thereof by the Legislature of Alabama during the regular session of 1939 the substance of which bill shall be to better provide for the office of Chief Deputy Sheriff of and for the Bessemer Division of Jefferson County, Alabama, by providing for and fixing the time of the election of said Chief Deputy Sheriff to fill said office by the qualified electors of said Division of said County and the appointment of such officer by the Governor in the event of a vacancy in said office, by better defining the qualifications of such office and fixing the amount and source of its compensation and the manner and time of the payment thereof, by better defining the powers and prescribing the duties and fixing the term of office of said officer, providing for the clerks and employees in said office and the manner of fixing their compensation and the manner of their selection and the business to be transacted in said office and generally providing for said office and the personnel and operation thereof.

B. M. McELROY,

Tribune-Advertiser,
Jan. 6-13-20-27, 1939.

STATE OF ALABAMA, JEFFERSON COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared W. E. Miller, Editor of the Tribune Advertiser, a newspaper published at Bessemer, Jefferson County, Alabama, who being duly sworn, deposes and says that the notice, the copy of which is hereto attached, was published in the said Tribune Advertiser once a week, for four consecutive weeks, namely: January 6, 1939, January 13, 1939, January 20, 1939, and January 27, 1939, without cost to the State.

W. E. MILLER,
Editor.

Sworn and subscribed to before me, this 28th day of January, 1939.
(SEAL)

LOUISE GWILLIM,
Notary Public.

By Mr. Waldrop:

H. 1023. To authorize, require and provide for the payment of the sum of \$106.36 out of the funds of the State Treasury to the credit of the State Highway Department, for the relief of C. C. Cunningham, said sum being the actual amount paid by him for the repair of his automobile, which said automobile was damaged on March 17, 1936, on the State highway between Reform and Carrollton in Pickens County, Alabama, due to the negligence of the State Highway Department of Alabama.

Appropriations.

By Mr. Gwin:

H. 1024. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualified for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots; to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting; to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this act," approved August 25, 1939.

Privileges and Elections.

By Mr. Hill:

H. 1025. To amend Sections 7 and 8 of an Act entitled an Act "To declare the public policy of the State as to the control, elimination and prevention of increase of wet, swamp or overflow lands as affecting the public health, general welfare or public convenience or in aid of agriculture; to create each County of the State a drainage district for the purpose of this Act; to provide for the establishment and development of drainage subdistricts; to provide for or assist land owners in providing for, the prevention, elimination, or control of overflow waters, wet, swamp and overflow lands through the control of surface waters and soil erosion by means of drainage, ditching or terracing as related to said declared policy; to provide for the creation of County Boards of Drainage Commissioners; to provide general powers of the County Board of Revenue or Commissioners necessary to carry out the purposes of this Act; to provide for the assessment and collection of costs and expenses of establishing proper control of surface waters upon agricultural lands of this State; to promote, aid and assist the purposes of drainage districts organized under the "Alabama Drainage Law"; to confer the right of eminent domain to the extent necessary to carry into effect the purposes of this Act; and to provide for the repeal of laws in conflict with this Act in so far as they affect the operations of this Act."

Public Health.

BILLS ON SECOND READING

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 928. To regulate, define and license the practice of Barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this Act.

H. 657. To provide for the relief of Mrs. W. L. Spivey, former matron of the Montgomery County Boarding Home, for children committed to said home by the Juvenile and Court of Domestic Relations of Montgomery County, Alabama, and to authorize the payment to her of the sum of Two Hundred and Twenty-Five Dollars and Ninety Cents (\$225.90) and interest thereon from January 15th, 1937, at the rate of six percent per annum, out of the general funds of Montgomery County, Alabama, said sum of money

being due her for the care of children committed to said Home, and being now unpaid.

Mr. Quarles, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 358. To Regulate and Prohibit the Unlawful Wearing of Uniforms of Foreign Governments, in the State of Alabama, and Prescribing a Penalty for the Violation of This Act.

S. 303. Prohibiting boxing, sparring and wrestling matches and exhibitions except such boxing, sparring and wrestling matches and exhibitions as are authorized by and held under the regulations, supervision and control of the Alabama Boxing and Wrestling Commission, herein established, and relating to the powers, duties, compensation and authority of said Commission, and prescribing penalties for the violation of the provisions of this Act, or rules, regulations and orders of said Commission.

Mr. Sessions, Chairman of the Standing Committee on Insurance and Insurance Companies, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with substitute:

(With substitute):

H. 696. To Amend Sections 2, 3, and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervising and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing such insurance agents, (General Acts Alabama, 1927, page 34)'" , approved September 14, 1935.

Mr. Mayhall, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with substitute and without recommendation.

(Without recommendation) (with substitute):

H. 847. To amend an Act, approved February 7, 1935, entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease

or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondsholders", as amended; and to ratify the change of the name of said corporation; and to define any such bridge or project; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such project, and to contract with reference thereto.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee in session, had acted on the following bills, and ordered same returned to the House with a favorable report.

H. 937. To provide a use tax upon tobacco products; to require returns showing the amount of such tax; to provide assessment of such tax and appeals therefrom; to provide execution and garnishment for the collection of such tax; to provide that such tax shall constitute a debt secured by a lien; to require the preservation and inspection of records and provide penalties for the failure thereof; to provide for the disposition of revenues so collected.

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 178. To fix the salary of the Clerk of the Court of Appeals of Alabama.

H. 930. To further provide for the powers, duties and responsibilities of the Alabama Institute for Deaf and Blind; to authorize and require the Alabama Institute for Deaf and Blind to set up an "Adult Blind Department"; and to provide an appropriation for carrying out the provisions of this act.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on

the following bill and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 969. To fix the salaries of the chief clerks in the offices of the Secretary of State and State Treasurer, and to provide the manner and method of paying the same.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 387. To create and establish a board to be known as the County Commission for Calhoun County, Alabama in the place of the board of Revenue in and for Calhoun County, Alabama, now existing in said county, and abolishing said board of revenue of Calhoun County; and dividing the said county of Calhoun into two districts, and providing for the election of a member of said county commission from each district by vote of the qualified electors of the entire county; and for the election of a chairman of said county commission; defining the jurisdiction of said county commission, and their compensation, and conferring upon said county commission all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of Alabama; providing for the election of the successors of said commission; for the appointment of a secretary of said commission and fixing his salary, and providing for a date when said commission shall take office.

S. 388. To Establish the Office of Road Engineer in and for the County of Calhoun; To Prescribe his Qualifications and Duties and Fix his salary and Provide for the Method of his Election and Appointment.

S. 408. To repeal An Act entitled, "An Act to amend An Act entitled An Act 'To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for

the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

S. 421. To authorize and require the Board of Education of Montgomery County, Alabama to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama.

S. 422. To repeal an Act entitled "an Act to authorize and require the Board of Education in any county in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census to provide a pension or retiring allowance for teachers who have served in the public schools of such county." Approved April 15, 1936.

S. 448. To authorize, permit, and allow any Board of Commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, to authorize the installation and use of voting machines in all municipal elections, general, special, or primary, to be thereafter held in such municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality; and to provide that when an ordinance is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Commissioners or other like governing body and used in all such elections thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities in the State of Alabama.

S. 449. To authorize, permit, and allow the Board of Revenue and Road Commissioners of Mobile County, Alabama, to authorize the installation and use of voting machines in all elections, general, special or primary to be thereafter held in such county, without

submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Revenue and Road Commissioners and used in all such elections thereafter held in such county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

H. 941. To authorize the governing board in all counties having a population of not less than 100,000 and not more than 300,000 according to the last or any subsequent Federal Census to employ a matron for the county jail in said county; to fix her duties and provide for her compensation.

H. 948. To create and establish a Board of Revenue and Control of Morgan County, Alabama, in the place of the present Board of Revenue now existing in said county, to consist of five members, one of whom shall be Chairman of said Board, and one member to be from each of the four districts of the county; to abolish the Board of Revenue of Morgan County; to divide said county into four districts and to define the boundaries of each district; to name the Chairman of the Board and to provide for the appointment of the members of the Board from said four districts, and to fix the term of office, compensation, and duties of each, and to provide for the qualifications and election of the successors to the members of the Board from each of the four districts and the qualifications and the manner of electing the successor to the Chairman; to provide the time and place of holding regular meetings of said Board; to confer upon said Board all the authority, jurisdiction, and power granted to Courts of County Commissioners by the general laws of Alabama and certain duties, jurisdiction, power, and authority in addition thereto; to constitute each member of the Board from the four districts supervisor of all public roads within his district; to provide that the Board fix a wage and salary scale for all employees engaged on work on the public roads in the county and to require that the same be uniform throughout the county; to provide that all supplies, material, and equipment for the county and the offices and officers of the county and courthouse and jail and other buildings be purchased by the Chairman of the Board on order of the Board made at regular meetings of the Board on Monday after posting a purchase notice on a bulletin board situated by the door of his office in the courthouse requesting bids therefor and requiring the Chairman to accept the lowest responsible bid and prescribing the procedure to be observed in making purchases and the records thereof to be made; to provide that Morgan County shall

not be liable in any form of action for the price, value, or use of any property not purchased as provided in this act; to provide that no lease-sale contract or contract for the rental or hire of any such property shall be made by the Board except upon order of the Board voted for by all attending members, including the Chairman, at a regular meeting of the Board and providing for the members of the Board to rent trucks for road work at rentals not in excess of that previously fixed by order of the Board; to authorize the Board to make contracts for the purchase of gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, and providing the manner of the making of such contracts; to authorize each member of the Board in emergencies and in cases where work on the roads within his district would otherwise be unduly delayed to purchase for the county needed equipment and materials at a cost not to exceed \$10.00, and to provide the method of making such purchases; to authorize each member of the Board to have repairs made to the machinery and equipment used on the public roads within his district and to require reports thereof to be made to the Chairman; to provide for the upkeep and repair of the courthouse and jail and the equipment and fixtures therein; to provide for the keeping of records by the Chairman and to provide for clerical and stenographic assistance to the Chairman and to limit the cost thereof; to provide for the purchase by the Chairman of certain materials and equipment and services and to provide the hours during which his office shall be open; to provide for the official bonds to be given by the members and Chairman of the Board to be approved by the Probate Judge; to provide a method for filling vacancies in the offices of members of the Board and the Chairman of the Board; to repeal all laws in conflict with this act and to expressly repeal an act of the Legislature of Alabama, approved September 29, 1919, (Local Acts, 1919, page 258 et seq.) whereby a Board of Revenue was established in and for Morgan County; to provide for the effect of the invalidity of parts of this act, and the contingency upon which and time when this act shall be effective.

H. 952. To create and establish in Mobile County, Alabama, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in full or in part from the public funds of said county, or municipalities located therein, or who receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer; to create a Citizens Supervisory Committee; to create a Personnel Board and other agencies for the supervision and administration of said system; to define the scope and extent of said system and the powers, duties and authority of said committee, board and other agencies; to regulate and define the manner, form

and extent of the control, supervision and authority of such committee, board and agencies over such personnel and over said county and municipalities therein; to provide for the payment of the expenses of the administration of this act and for a division of such expense between said county and municipalities therein; to provide for the enforcement of this act and of rules and regulations adopted pursuant thereto, and to provide penalties for the violation thereof; and to repeal all laws or parts of laws inconsistent with the provisions hereof.

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; To fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Mr. Boswell, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 556. To amend Section 10188 of the Code of 1923.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS ON THIRD READING

S. 280. To alter or rearrange the boundary lines of the Town of Blue Mountain, Calhoun County, Alabama and to describe the area included in such boundary lines and within such town.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Miller	Smyer
Allen	Delony	McCord	Snyder
Austin	Devers	McDanal	Spence
Bagley	Dobbs	McGowin	Stallings
Ball	Dominick	Nation	Stone
Barchard	Doster	Neighbors	Taylor
Barnes	Ellis	Newman	Thomas
Beck	Graves	Pool	Tidmore
Booth	Green	Quarles	Toomer
Boswell	Gwin	Sadler	Tucker
Branyon	Hall	Sanderson	Walden
Clayton	Jenkins	Scott	Waldrop
Cobb	Jones	Segrest	Wallace
Collier	Kaul	Sessions	Waller
Cook	Lovelace	Sherrer	Welch
Cope	Martin	Sightler	Weston
Davis (Madison)			

—65

H. 855. To abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agents as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	Hodo	Scott
Allen	Ellis	Jenkins	Segrest
Austin	Flowers	Jones	Sessions
Bagley	Garrett	Kaul	Sherrer
Ball	Gewin	Langan	Sightler
Barchard	Golson	Langley	Smyer
Barnes	Graham	Locke	Snyder
Beck	Graves	Lovelace	Spence
Boswell	Green	Martin	Stallings
Christopher	Gwin	Owens	Stone
Clayton	Hall	Payne	Taylor
Cobb	Hardwick	Peacock	Thomas
Collier	Hare	Petrey	Tidmore
Cook	Haynes	Phillips	Waldrop
Cope	Henson	Pitts	Wallace
Dobbs	Hill	Pool	Waller
Dominick			

—65

On motion of Mr. Bagley the bill, H. 855, was ordered sent forthwith to the Senate without engrossment.

H. 857. For the relief of J. C. Pattillo, Clerk of the Circuit Court of Chilton County, Alabama, and to relieve said Clerk from any and all liability for and on account of fees or compensation received by him under the provisions of General Acts of Alabama, 1931, page 668, for issuing subpoenas before the Grand Jury of Chilton County in cases where no indictments were found, said fees or compensation being in the amount of \$81.10.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gewin	McCord	Sanderson
Barnes	Golson	McDanal	Thomas
Boswell	Graham	McGowin	Tidmore
Branyon	Graves	Nation	Toomer
Brown (Covington)	Jenkins	Neighbors	Tucker
Brown (Lee)	Jones	Newman	Walden
Carwile	Kaul	Norman (Bullock)	Waldrop
Castleberry	Langan	Norman (Lowndes)	Wallace
Chewning	Langley	Phillips	Waller
Christopher	Locke	Pitts	Welch
Clayton	Lovelace	Pool	Weston
Cope	Martin	Quarles	Whigham
Davis (Madison)	Mathews (Clarke)	Robertson (Cullman)	White
Davis (Montgomery)	Matthews (Jackson)	Robinson (Lowndes)	Wood
Dearman	Mayhall	Robinson (St. Clair)	Wright
Delony	Miller	Sadler	Young
Devers			

—65

On motion of Mr. Pitts, the bill, H. 857, was ordered sent forthwith to the Senate without engrossment.

H. 704. To provide for the nomination of members of the Court of County Commissioners of Clay County, Alabama, in primary elections.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Christopher	Hare	Langley
Barnes	Clayton	Haynes	Locke
Beck	Cobb	Henson	Lovelace
Booth	Collier	Hill	Martin
Boswell	Cook	Hodo	McDanal
Branyon	Cope	Jenkins	McGowin
Carwile	Davis (Madison)	Jones	Nation
Castleberry	Graves	Kaul	Neighbors
Chewning	Green	Langan	Newman

Pool	Segrest	Stallings	Welch
Quarles	Sessions	Stone	Weston
Robertson (Cullman)	Sherrer	Taylor	Whigham
Robinson (Lowndes)	Sightler	Walden	White
Robinson (St. Clair)	Smyer	Waldrop	Wood
Sadler	Snyder	Wallace	Wright
Sanderson	Spence	Waller	Young
Scott			

—65

On motion of Mr. Carwile, the bill, H. 704, was ordered sent forthwith to the Senate without engrossment.

H. 705. To repeal an Act approved September 2, 1935, entitled "An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioners, to establish in said county a County Commission; to provide for the election of the members of said commission; to fix their term of office; to define the powers and duties of such Commission, and to fix the compensation of the members thereof" as amended by an Act approved March 8, 1939, entitled "An Act to amend sections 2, 3, 6, 9 and 10 of an Act Entitled 'An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner; to provide for the election of the members of said commission; to fix their term of office, to define the powers and duties of such commission and to fix the compensation of the members thereof' approved September 2, 1935".

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Jones	Scott
Allen	Devers	Kaul	Segrest
Austin	Dobbs	McCord	Sessions
Bagley	Dominick	McDanal	Sherrer
Ball	Doster	McGowin	Sightler
Brown (Lee)	Ellis	Nation	Smyer
Carwile	Flowers	Neighbors	Snyder
Castleberry	Garrett	Newman	Thomas
Chewning	Gewin	Peacock	Tidmore
Christopher	Golson	Petrey	Toomer
Clayton	Graham	Phillips	Tucker
Cobb	Graves	Pitts	Walden
Collier	Green	Pool	Waldrop
Cook	Hill	Quarles	Wallace
Cope	Hodo	Sadler	Wright
Davis (Madison)	Jenkins	Sanderson	Young
Dearman			

—65

On motion of Mr. Carwile the bill, H. 705, was ordered sent forthwith to the Senate without engrossment.

S. 417. To further regulate the jurisdiction, powers, duties and compensation of the Board of Revenue of Etowah County, and to amend an Act entitled, "An Act to establish a Board of Revenue for Etowah County; to prescribe its jurisdiction and powers; to fix the compensation and provide for the election of its President and Associate Members and to abolish the Commissioners Court of Etowah County", approved Aug. 11, 1927 (1927 Local Acts 187).

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Langan	Robinson (Lowndes)
Allen	Dobbs	Mayhall	Robinson (St. Clair)
Barchard	Doster	Meggins	Scott
Barnes	Graham	Miller	Segrest
Beck	Graves	McCord	Sessions
Booth	Green	McDanal	Sherrer
Boswell	Gwin	McGowin	Sightler
Branyon	Hardwick	Nation	Spence
Brown (Covington)	Hare	Norman (Lowndes)	Taylor
Brown (Lee)	Haynes	Owens	Thomas
Carwile	Henson	Payne	Toomer
Castleberry	Hill	Peacock	Waller
Chewning	Hodo	Petrey	Welch
Christopher	Jenkins	Phillips	Weston
Clayton	Jones	Pitts	Whigham
Cook	Kaul	Robertson (Cullman)	White
Cope			

—65

H. 916. To provide for a Special Election to authorize and empower the Court of County Commissioners, Board of Revenue, or other like governing body of Jackson County, Alabama, to levy and collect an excise tax of not more than three (3) cents per gallon on every gallon of gasoline, woco-pep, benzine, naphtha, or any substitute therefor, sold in said County for a period of four (4) years, to be determined from the date of the first levy of said excise tax by said Court of County Commissioners, Board of Revenue, or other like governing body of said County; to provide for the conducting of said election; to authorize the Court of County Commissioners, Board of Revenue, or other like governing body of said County, to pay the expenses of said election; to authorize said Court of County Commissioners, Board of Revenue, or other like governing body of said County, to provide the necessary machinery for the collection of said excise tax; to make provision for the distribution of said tax; to prohibit any incorporated city or town in said County from levying a municipal tax on gasoline, woco-pep, benzine, naphtha, or any substitute therefor; to repeal the municipal taxes on said gasoline, woco-pep, benzine, naphtha, or any substitute therefor, which may now be levied by any incorporated city or

town in said County; to provide for the use of said excise tax, and to provide a penalty for the failure to pay said tax in accordance with the requirements of the Court of County Commissioners, Board of Revenue, or other like governing body of said County.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Smyer
Allen	Dominick	Matthews (Jackson)	Snyder
Austin	Doster	Mayhall	Spence
Bagley	Ellis	Megginson	Stallings
Ball	Flowers	Miller	Stone
Barchard	Garrett	McCord	Taylor
Barnes	Gewin	McDanal	Thomas
Beck	Golson	McGowin	Tidmore
Booth	Graham	Nation	Toomer
Boswell	Graves	Neighbors	Tucker
Branyon	Green	Newman	Walden
Clayton	Gwin	Scott	Waldrop
Cobb	Hall	Segrest	Wallace
Collier	Locke	Sessions	Waller
Cook	Loveland	Sherrer	Welch
Cope	Martin	Sightler	Weston
Devers			

—65

On motion of Mr. Matthews of Jackson the bill, H. 916, was ordered sent forthwith to the Senate without engrossment.

S. 307. To alter and re-arrange the boundaries of the Town of Pleasant Grove; to provide for an election to submit to the qualified voters of the territory to be annexed to said Town of Pleasant Grove for their approval or rejection of such alteration and re-arrangement.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Hall	McDanal	Segrest
Allen	Hodo	McGowin	Sessions
Austin	Jenkins	Nation	Sherrer
Ball	Kaul	Neighbors	Sightler
Booth	Langley	Newman	Smyer
Boswell	Locke	Norman (Bullock)	Snyder
Castleberry	Loveland	Norman (Lowndes)	Spence
Delony	Martin	Owens	Stallings
Devers	Mathews (Clarke)	Payne	Stone
Dobbs	Matthews (Jackson)	Peacock	Taylor
Dominick	Mayhall	Quarles	Tidmore
Doster	Megginson	Sadler	Tucker
Green	Miller	Sanderson	Walden
Gwin	McCord	Scott	Waldrop

Wallace
Waller
Welch

Weston
White

Whigham
Wood

Wright
Young

—65

H. 375. To amend Subsection (i) and (j) of Section 353 of an Act entitled an Act to provide for the general revenue of the State of Alabama, approved July 10, 1935, (General Acts of 1935 pp. 559 to 561).

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	Haynes	Scott
Barchard	Davis (Madison)	Henson	Segrest
Barnes	Davis (Montgomery)	Hill	Sessions
Beck	Dearman	Hodo	Sherrer
Booth	Ellis	Jones	Sightler
Boswell	Flowers	Kaul	Smyer
Branyon	Garrett	Langan	Snyder
Brown (Covington)	Gewin	Langley	Spence
Brown (Lee)	Golson	Locke	Stallings
Carwile	Graham	Lorance	Stone
Castleberry	Graves	Martin	Taylor
Chewning	Green	Petrey	Thomas
Christopher	Gwin	Phillips	Tidmore
Clayton	Hall	Pitts	Toomer
Cobb	Hardwick	Pool	Tucker
Collier	Hare	Quaries	Welch
Cook			

—65

On motion of Mr. Welch the bill, H. 375, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 738. To provide for the election, selection, and appointment of all judges of Inferior Courts created in lieu of Justices of the Peace, and other like or similar courts, by whatever name called.

Was taken up. The Question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

House Judiciary Committee Substitute for House Bill 738:

A BILL

To be entitled An Act to better provide for the election, selection, and appointment of Judges of inferior courts created in lieu of Justices of the Peace, and other like, or similar courts by whatever name called.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. The Judge or Judges of each of the several inferior courts of this State created in lieu of Justices of the Peace as well as the Judge or Judges of each like, or similar court by whatever name called, the Judge or Judges of which are now required by law to be elected by the voters of less than the whole of the territory over which such court has and exercises jurisdiction shall hereafter be elected at the time now provided by law for such elections by the voters of the entire territory over which such court has and exercises jurisdiction.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law. This Act shall not affect the term of office of any Judge now in office, but all successors to such judges shall be elected by the qualified voters as in this Act provided, and the election laws of this State with respect to electing other officials shall in all things apply to elections of the judges affected by this Act. The provisions of law with respect to appointments of the Judges affected by this Act in cases of vacancy by death, resignation, impeachment, or from other cause shall not be effected by this Act, neither shall this Act apply to any office the occupants of which are now under the law selected, appointed, or elected, by a Board, Commission, or by the Judges of a Circuit or a County.

And the substitute reported by the Standing Committee on Judiciary for the bill, H. 738, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Graham	Nation	Snyder
Barnes	Graves	Neighbors	Spence
Beck	Green	Newman	Stallings
Booth	Gwin	Owens	Stone
Boswell	Hall	Payne	Taylor
Branyon	Haynes	Petrey	Thomas
Cobb	Henson	Phillips	Tidmore
Collier	Hill	Pitts	Toomer
Cook	Hodo	Pool	Tucker
Cope	Mayhall	Quarles	Walden
Dearman	Megginsin	Scott	Waldrop
Delony	Miller	Segrest	Wallace
Devers	McCord	Sessions	Waller
Doster	McGowin	Sherrer	Welch
Ellis	McDanal	Sightler	Weston
Gewin	McGowin	Smyer	Whigham
Golson			

And said bill:

H. 738. To provide for the election, selection, and appointment of all judges of Inferior Courts created in lieu of Justices of the Peace, and other like or similar courts, by whatever name called.

As amended by the substitute reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Nation	Snyder
Barnes	Graham	Neighbors	Spence
Beck	Graves	Newman	Stallings
Booth	Green	Owens	Stone
Boswell	Gwin	Payne	Taylor
Branyon	Hall	Petrey	Thomas
Cobb	Haynes	Phillips	Tidmore
Collier	Henson	Pitts	Toomer
Cook	Hill	Pool	Tucker
Cope	Hodo	Quarles	Walden
Dearman	Kaul	Scott	Waldrop
Delony	Mayhall	Segrest	Wallace
Devers	Megginsin	Sessions	Waller
Dobbs	Miller	Sherrer	Welch
Doster	McCord	Sightler	Weston
Ellis	McDanal	Smyer	Whigham
Gewin	McGowin		

—65

H. 907. To further regulate the powers of Courts of County Commissioners, Boards or Revenue or other like governing bodies with respect to State convicts, and county convicts which have been delivered over to the State by action of the governing body of any county.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	McDanal	Taylor
Barchard	Ellis	McGowin	Thomas
Barnes	Flowers	Peacock	Tidmore
Beck	Garrett	Petrey	Toomer
Booth	Gewin	Phillips	Tucker
Boswell	Golson	Pitts	Walden
Branyon	Graves	Sanderson	Waldrop
Brown (Covington)	Green	Scott	Wallace
Brown (Lee)	Gwin	Segrest	Waller
Carwile	Hall	Sessions	Welch
Castleberry	Hodo	Sherrer	Weston
Chewning	Jenkins	Sightler	Whigham
Christopher	Jones	Smyer	White
Clayton	Kaul	Snyder	Wood
Cobb	Mayhall	Stallings	Wright
Collier	Megginsin	Stone	Young
Cook			

—65

On motion of Mr. Smyer the bill, H. 907, was ordered sent forthwith to the Senate without engrossment.

H. 942. To amend an act approved August 28, 1935, entitled "An Act To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof", as amended by an Act approved March 17, 1939, entitled "An Act To amend an Act entitled 'An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and the rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof'".

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	Martin	Robertson (Cullman)
Allen	Gwin	Mathews (Clarke)	Robinson (Lowndes)
Austin	Hall	Mathews (Jackson)	Robinson (St. Clair)
Bagley	Hardwick	Mayhall	Sadler
Ball	Hare	Megginson	Sanderson
Barchard	Haynes	Miller	Sessions
Clayton	Henson	McCord	Smyer
Cobb	Hill	Nation	Snyder
Collier	Hodo	Neighbors	Thomas
Cook	Jenkins	Newman	Welch
Cope	Jones	Norman (Bullock)	Weston
Davis (Madison)	Kaul	Norman (Lowndes)	Whigham
Dearman	Langan	Owens	White
Delony	Langley	Payne	Wood
Devers	Locke	Pool	Wright
Dobbs	Lovell	Quarles	Young
Dominick			

—65

On motion of Mr. Snyder the bill, H. 942, was ordered sent forthwith to the Senate without engrossment.

H. 910. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, but subject to provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, in each of the following named counties: Cherokee, Tallapoosa.

Be it Enacted by the Legislature of Alabama:

Section 1: That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to

place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, in the following named counties: Cherokee, Tallapoosa.

Section 2: That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3: That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such elections shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation in the following named counties: Cherokee, Tallapoosa.

Yes....., No....." The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

Section 4: That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5: The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections, except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections

for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Was read a third time at length and passed.

Yeas, 80; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Jones	Quarles
Allen	Dominick	Kaul	Sadler
Austin	Doster	Langan	Sanderson
Bagley	Ellis	Langley	Scott
Ball	Flowers	Locke	Segrest
Barchard	Garrett	Lovelace	Sessions
Barnes	Gewin	Martin	Sherrer
Beck	Golson	McCord	Sightler
Booth	Graham	McDanal	Smyer
Boswell	Graves	McGowin	Snyder
Branyon	Green	Nation	Spence
Clayton	Gwin	Neighbors	Stallings
Cobb	Hall	Newman	Stone
Collier	Hardwick	Owens	Taylor
Cook	Hare	Payne	Thomas
Cope	Haynes	Peacock	Tidmore
Davis (Madison)	Henson	Petrey	Toomer
Dearman	Hill	Phillips	Tucker
Delony	Hodo	Pitts	Walden
Devers	Jenkins	Pool	Waldrop

—80

On motion of Mr. Cobb, the bill, H. 910, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 104. Relative to adjournment of the two Houses until Thursday, August 31 at nine o'clock.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. McGowin the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty o'clock, P.M., having arrived, the House reconvened.

MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama,
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 724 without my approval.

Respectfully,
FRANK M. DIXON,
Governor.

August 28, 1939.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message of His Excellency, the Governor containing his veto of the bill, H. 724. And the House refused to again pass said bill, the veto of the Governor to the contrary notwithstanding by a vote of: Yeas, 0; Nays, 65.

Nays:

Mr. Speaker	Delony	McDanal	Taylor
Allen	Devers	McGowin	Thomas
Austin	Dobbs	Nation	Tidmore
Bagley	Dominick	Neighbors	Toomer
Ball	Doster	Newman	Tucker
Barchard	Ellis	Owens	Walden
Barnes	Gwin	Payne	Waldrop
Beck	Hall	Sadler	Wallace
Booth	Hardwick	Sanderson	Waller
Boswell	Hare	Sherrer	Welch
Branyon	Lovelace	Sightler	Weston
Clayton	Martin	Smyer	Whigham
Cobb	Mayhall	Snyder	White
Collier	Meggins	Spence	Wood
Cook	Miller	Stallings	Wright
Cope	McCord	Stone	Young
Dearman			

—65

BILLS ON THIRD READING

(With amendment):

H. 773. To amend Sections 1, 2, 3, 11, 12, 16, 23, 30, 42, 43, 44, 51, 55, 65, 68, 69, 71, 75, 77, 90, 91, 93, 95, 97, 103, 118, 143, and 187 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to re-

wise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act."

Was taken up. The Question was upon the adoption of the amendment reported by the Standing Committee on Military, said committee amendment being as follows:

COMMITTEE AMENDMENT TO H. 773

To amend Section 17 House Bill 773 (page 12) by striking therefrom the words "attained a grade in the Active National Guard not lower than Major" where they appear in the last sentence of said Section, and to substitute for said words the following words "served as a commissioned officer in the Active National Guard for not less than four years."

And the amendment reported by the Standing Committee on Military for the bill, H. 773, was adopted.

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker
Allen
Austin
Bagley
Ball
Barchard
Barnes
Booth
Branyon
Brown (Lee)
Carwile

Castleberry
Chewning
Christopher
Clayton
Dearman
Delony
Devers
Dobbs
Dominick
Doster
Ellis

Flowers
Gewin
Golson
Green
Gwin
Hall
Hardwick
Hare
Henson
Hodo
Jenkins

Kaul
Langan
Langley
Martin
Mathews (Clarke)
Matthews (Jackson)
Mayhall
Miller
McCord
McGowin
Nation

Neighbors	Pool	Sessions	Tucker
Newman	Quarles	Sherrer	Waldrop
Norman (Lowndes)	Robertson (Cullman)	Spence	Whigham
Payne	Robinson (Lowndes)	Stallings	White
Petrey	Robinson (St. Clair)	Stone	Wood
Phillips	Sadler	Taylor	Wright
Pitts	Segrest	Tidmore	Young

—72

And said bill:

H. 773. To amend Sections 1, 2, 3, 11, 12, 16, 23, 30, 42, 43, 44, 51, 55, 65, 68, 69, 71, 75, 77, 90, 91, 93, 95, 97, 103, 118, 143, and 187 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act."

As amended by the amendment reported by the Standing Committee on Military, was read a third time at length and passed.

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Chewning	Doster	Hodo
Allen	Christopher	Ellis	Jones
Austin	Clayton	Flowers	Kaul
Bagley	Cobb	Garrett	Langan
Ball	Collier	Gewin	Langley
Barchard	Cope	Green	Lovlace
Barnes	Davis (Madison)	Gwin	Mathews (Clarke)
Booth	Dearman	Hall	Matthews (Jackson)
Brown (Covington)	Delony	Hardwick	Mayhall
Brown (Lee)	Devers	Hare	Miller
Carwile	Dobbs	Henson	McCord
Castleberry	Dominick	Hill	Nation

Neighbors	Quarles	Scott	Toomer
Payne	Robertson (Cullman)	Segrest	Tucker
Peacock	Robinson (Lowndes)	Spence	Whigham
Petrey	Robinson (St. Clair)	Stallings	Wood
Pitts	Sadler	Stone	Wright
Pool	Sanderson	Tidmore	Young

—72

On motion of Mr. Quarles the bill, H. 773, was ordered sent forthwith to the Senate without engrossment.

H. 772. To amend the Title and Sections 5 and 6 of the Act of the Legislature approved August 23, 1935, and entitled "An Act to create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to cooperate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories."

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Brown (Lee)	Dearman	Gewin
Allen	Carwile	Delony	Golson
Austin	Castleberry	Dobbs	Green
Barchard	Chewning	Doster	Gwin
Barnes	Christopher	Ellis	Hall
Beck	Cope	Flowers	Hardwick
Brown (Covington)	Davis (Madison)	Garrett	Hare

Hill	Neighbors	Sadler	Stone
Jenkins	Newman	Sanderson	Taylor
Jones	Norman (Lowndes)	Scott	Tidmore
Langan	Owens	Segrest	Toomer
Langley	Payne	Sessions	Tucker
Martin	Petrey	Sherrer	Weston
Mathews (Clarke)	Pitts	Sightler	White
Mathews (Jackson)	Quarles	Snyder	Wood
Miller	Robinson (Lowndes)	Spence	Wright
McCord	Robinson (St. Clair)	Stallings	Young
Nation			

—69

On motion of Mr. Quarles the bill, H. 772, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By a vote of: Yeas, 21; Nays, 2.

And said bill, H. 321, as thus amended by the Report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 22; Nays, 3.

And said bill, H. 321, together with the Report of the Committee on Conference is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

By a vote of: Yeas, 24; Nays, 0.

And said bill, H. 322, as thus amended by the Report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 24; Nays, 2.

And said bill, H. 322, together with the Report of the Committee on Conference is herewith returned to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 819. To Repeal an Act entitled, "An Act further to provide for the purchase, construction and improvement of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom, and to provide for the operation of such systems in case of deficiencies in revenue," approved November 8, 1932.

Was read a third time at length and passed.

Yeas, 73; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Mathews (Clarke)	Robinson (St. Clair)
Allen	Delony	Mayhall	Sadler
Austin	Devers	Miller	Segrest
Ball	Dominick	McCord	Sessions
Barnes	Doster	McDanal	Sightler
Beck	Ellis	Nation	Smyer
Booth	Flowers	Neighbors	Snyder
Boswell	Garrett	Newman	Spence
Branyon	Gwin	Norman (Lowndes)	Stallings
Brown (Covington)	Hall	Owens	Stone
Brown (Lee)	Hardwick	Payne	Taylor
Carwile	Hill	Peacock	Tidmore
Castleberry	Hodo	Petrey	Tucker
Chewning	Jenkins	Phillips	Welch
Christopher	Jones	Pitts	White
Cobb	Kaul	Pool	Wood
Collier	Langan	Robertson (Cullman)	Wright
Cope	Martin	Robinson (Lowndes)	Young
Davis (Madison)			

—73

On motion of Mr. Ellis the bill, H. 819, was ordered sent forthwith to the Senate without engrossment.

H. 822. To repeal an Act entitled "An Act further to provide for the purchase, construction, improvement, maintenance, financing and operation of works for the collection and/or treatment,

purification and disposal of sewage in sanitary districts, counties, cities and towns; to authorize charges against residents, users and/or owners of premises for the use of such works and to provide for the collection of same; to provide for the issuance of Revenue Bonds payable solely out of the revenue derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against residents, users and/or owners of premises therein served thereby and a lien against such premises," approved March 10, 1933.

Was read a third time at length and passed.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Delony	Matthews (Jackson)	Scott
Austin	Devers	Mayhall	Segrest
Ball	Dobbs	Miller	Sessions
Barchard	Dominick	McCord	Sightler
Barnes	Doster	McDanal	Smyer
Beck	Ellis	McGowin	Snyder
Booth	Flowers	Neighbors	Spence
Boswell	Gewin	Newman	Stallings
Branyon	Golson	Norman (Lowndes)	Stone
Brown (Covington)	Gwin	Owens	Taylor
Carwile	Hall	Payne	Tidmore
Castleberry	Hardwick	Petrey	Tucker
Chewning	Hill	Pitts	Waller
Christopher	Hodo	Pool	Welch
Clayton	Jenkins	Robertson (Cullman)	White
Collier	Jones	Robinson (Lowndes)	Wood
Cope	Langan	Robinson (St. Clair)	Wright
Davis (Madison)	Martin	Sadler	Young
Dearman	Mathews (Clarke)	Sanderson	

—75

On motion of Mr. Ellis the bill, H. 822, was ordered sent forthwith to the Senate without engrossment.

H. 820. To Repeal an Act entitled, "An Act to authorize cities and towns to construct, own, equip, operate, maintain and improve works for the collection and/or treatment, purification and disposal of sewage; to authorize charges against owners of premises for the use of such works and to provide for the collection of same; to authorize cities and towns to issue revenue bonds, payable solely from the revenues of such works and to make such bonds exempt from taxation; to authorize contracts for the use of such works by other cities, towns and political subdivisions and charges against owners of premises therein served thereby and a lien against such premises," approved November 8, 1932.

Was read a third time at length and passed.

Yeas, 80; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sanderson
Austin	Dominick	Mayhall	Scott
Ball	Doster	Miller	Segrest
Barnes	Ellis	McCord	Sherrer
Beck	Flowers	McDanal	Sightler
Booth	Garrett	McGowin	Smyer
Branyon	Gewin	Nation	Snyder
Brown (Covington)	Golson	Neighbors	Spence
Brown (Lee)	Gwin	Newman	Stallings
Carwile	Hall	Norman (Lowndes)	Stone
Castleberry	Hardwick	Owens	Taylor
Chewning	Hare	Payne	Tidmore
Christopher	Hill	Petrey	Toomer
Clayton	Hodo	Phillips	Tucker
Collier	Jones	Pitts	Welch
Cope	Langan	Pool	Whigham
Davis (Madison)	Langley	Robertson (Cullman)	White
Dearman	Lovelace	Robinson (Lowndes)	Wood
Delony	Martin	Robinson (St. Clair)	Wright
Devers	Mathews (Clarke)	Sadler	Young

—80

On motion of Mr. Ellis the bill, H. 820, was ordered sent forthwith to the Senate without engrossment.

H. 821. To Repeal an Act entitled, "An Act Further to provide for the purchase, construction, improvement, maintenance, financing and operation of waterworks systems in cities, villages and incorporated towns in the State of Alabama, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom and to provide for the operation of such systems in case of deficiencies in revenue," approved March 10, 1933.

Was read a third time at length and passed.

Yeas, 81; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Hare	McGowin
Austin	Dearman	Henson	Nation
Ball	Delony	Hill	Neighbors
Barnes	Devers	Jenkins	Newman
Beck	Dobbs	Jones	Norman (Lowndes)
Booth	Dominick	Langan	Owens
Boswell	Doster	Langley	Payne
Branyon	Ellis	Lovelace	Peacock
Brown (Covington)	Flowers	Martin	Petrey
Carwile	Garrett	Mathews (Clarke)	Phillips
Castleberry	Gewin	Matthews (Jackson)	Pitts
Chewning	Golson	Mayhall	Pool
Christopher	Gwin	Miller	Quarles
Clayton	Hall	McCord	Robertson (Cullman)
Cope	Hardwick	McDanal	Robinson (Lowndes)

Robinson (St. Clair)	Smyer	Taylor	Whigham
Sadler	Snyder	Tidmore	White
Sanderson	Spence	Toomer	Wood
Scott	Stallings	Tucker	Wright
Segrest	Stone	Welch	Young
Sightler			

—81

On motion of Mr. Ellis the bill, H. 821, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House.

By Mr. Rowe:

S. 351. To amend Section four and Section five and Section seven and section eight of an Act of the Legislature, House Bill 112 of the General Acts of Alabama, Extra Session 1932, approved October 6, 1932, entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operated upon the public highways of this State, and to prescribe penalties for violations of this Act', and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency."

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Public Roads and Highways, S. 351.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 738. To better provide for the election, selection, and appointment of Judges of inferior courts created in lieu of Justices of the Peace, and other like, or similar courts by whatever name called.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

BILLS ON THIRD READING

(With amendment):

H. 694. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a water works system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to provide the notice required to be given of intention to issue any such bonds; to authorize and provide a mortgage on such system or systems as security for such bonds; to provide that the bonds issued under this act shall be legal investments to the extent herein provided; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system;

and to repeal an act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a water-works system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," approved March 29, 1933 and all acts amendatory thereof.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said committee amendment being as follows:

COMMITTEE AMENDMENT TO HOUSE BILL 694

Amend House Bill No. 694 by striking therefrom section 2, and adding section 37½ as follows:

"Section 37½. All laws in conflict herewith are hereby repealed."

And the amendment reported by the Standing Committee on Municipal Organizations for the Bill, H. 694, was adopted.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Chewning	Dominick	Hill
Allen	Christopher	Doster	Hodo
Austin	Clayton	Ellis	Jenkins
Ball	Collier	Gewin	Jones
Barchard	Cook	Golson	Kaul
Barnes	Cope	Green	Langan
Booth	Davis (Madison)	Gwin	Langley
Brown (Covington)	Delony	Hall	Lovelace
Carwile	Devers	Hardwick	Martin
Castleberry	Dobbs	Henson	Mathews (Clarke)

Matthews (Jackson)	Neighbors	Robinson (Lowndes)	Spence
Mayhall	Newman	Sanderson	Stallings
Miller	Norman (Lowndes)	Scott	Toomer
McCord	Owens	Segrest	Welch
McDanal	Payne	Sightler	White
McGowin	Petrey	Smyer	Young
Nation	Robertson (Cullman)	Snyder	

—67

And said bill:

H. 694. To authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a water works system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refunding of such bonds and of other matters in connection therewith; to provide the notice required to be given of intention to issue any such bonds; to authorize and provide a mortgage on such system or systems as security for such bonds; to provide that the bonds issued under this act shall be legal investments to the extent herein provided; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and to repeal an act entitled "An Act to authorize any county, city or incorporated town of the State of Alabama, subject to the limitations herein stated, to purchase or construct a waterworks system, water supply system, sewer system, sanitary disposal equipment and appliances, or gas system, and in furtherance thereof to purchase or construct any necessary part of any such system either within or without the limits of such county, city or incorporated town, as the case may be; and to authorize any county, city or incorporated town of the State of Alabama now or hereafter owning and operating any such system to improve, enlarge, extend or repair the same; and for any such purpose or purposes to authorize any such county, city or incorporated town to issue revenue bonds payable solely from the revenues derived from the operation of any such system or systems; to regulate the issuance, sale, retirement, and refund-

ing of such bonds and of other matters in connection therewith; to regulate the use of the revenues of such system or systems when such bonds are issued or outstanding; to provide for the operation of any such system or systems in case of deficiencies in such revenues; to confer upon the State Board of Health certain powers with reference to any such sewer system; and for other purposes," approved March 29, 1933 and all acts amendatory thereof.

As amended by the amendment reported by the Standing Committee on Municipal Organization, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	Lovelace	Sadler
Allen	Ellis	Mathews (Clarke)	Sanderson
Austin	Flowers	Matthews (Jackson)	Scott
Ball	Garrett	McCord	Segrest
Barnes	Gewin	McDanal	Sightler
Beck	Golson	McGowin	Smyer
Booth	Graves	Nation	Spence
Brown (Covington)	Gwin	Neighbors	Stallings
Brown (Lee)	Hall	Newman	Stone
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Castleberry	Hill	Owens	Toomer
Chewning	Hodo	Payne	Waldrop
Christopher	Jones	Petrey	Welch
Cope	Kaul	Pitts	Wood
Davis (Madison)	Langan	Pool	Wright
Dearman	Langley	Robinson (Lowndes)	Young
Dominick			

—65

On motion of Mr. Ellis the bill, H. 694, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 491. To provide that when the records and accounts of any officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama, including county superintendents of education, county boards of education, and county custodians or treasurers of school funds, who are which does not receive all of his or its funds or revenues from the General Fund of the State of Alabama are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the cost of such examination and audit shall be a charge against the funds or revenues of the officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama whose records and accounts are examined and audited; to define what is meant by cost of such examination and

audit; and to provide the method and manner of the payment of same.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

COMMITTEE AMENDMENT TO HOUSE BILL NO. 491

Amend Section 1 of House Bill No. 491 by striking therefrom the following words when they occur together: "including county superintendents of education, county boards of education, and county custodians or treasurers of school funds"

And the amendment reported by the Standing Committee on Ways and Means to the bill, H. 491, was adopted.

Yeas, 74; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Sadler
Allen	Doster	Matthews (Jackson)	Sanderson
Austin	Ellis	Mayhall	Scott
Ball	Flowers	Miller	Segrest
Beck	Garrett	McCord	Sessions
Boswell	Gewin	McDanal	Sightler
Brown (Covington)	Golson	McGowin	Smyer
Brown (Lee)	Graves	Nation	Spence
Carwile	Green	Newman	Taylor
Castleberry	Gwin	Norman (Lowndes)	Tidmore
Chewning	Hall	Owens	Toomer
Christopher	Hardwick	Payne	Tucker
Clayton	Hill	Petrey	Waldrop
Collier	Jones	Pitts	Welch
Cope	Kaul	Pool	Whigham
Davis (Madison)	Langan	Robertson (Cullman)	White
Delony	Langley	Robinson (Lowndes)	Wright
Devers	Lovelace	Robinson (St. Clair)	Young
Dobbs	Martin		

—74

Mr. McGowin offered the following amendment to the bill, H. 491.

AMENDMENT TO HOUSE BILL NO. 491 BY MR. MCGOWIN

Amend House Bill No. 491 by adding to Section 4 the following:

"Provided, however, nothing herein contained shall be construed to repeal the existing statutes relating to the proration of the costs of examinations of accounts in which the State and the counties and other political subdivisions of the State or jointly interested in the funds constituting the accounts examined."

And the amendment offered by Mr. McGowin to the bill, H. 491, was adopted.

Yeas, 71; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langley	Pool
Allen	Doster	Martin	Robertson (Cullman)
Austin	Ellis	Mathews (Clarke)	Robinson (Lowndes)
Booth	Flowers	Matthews (Jackson)	Sadler
Boswell	Gewin	Mayhall	Sanderson
Branyon	Golson	Miller	Scott
Brown (Covington)	Graves	McDanal	Segrest
Brown (Lee)	Green	McGowin	Sessions
Carwile	Gwin	Nation	Sightler
Castleberry	Hall	Neighbors	Spence
Chewning	Hardwick	Newman	Stallings
Cobb	Hare	Norman (Lowndes)	Taylor
Cope	Henson	Owens	Tidmore
Davis (Madison)	Hill	Payne	Toomer
Dearman	Hodo	Peacock	Waldrop
Delony	Jenkins	Petrey	Welch
Devers	Jones	Phillips	Young
Dobbs	Langan	Pitts	

—71

And said bill:

H. 491. To provide that when the records and accounts of any officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama, including county superintendents of education, county boards of education, and county custodians or treasurers of school funds, who or which does not receive all of his or its funds or revenues from the General Fund of the State of Alabama are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the cost of such examination and audit shall be a charge against the funds or revenues of the officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama whose records and accounts are examined and audited; to define what is meant by cost of such examination and audit; and to provide the method and manner of the payment of same.

As amended, was read a third time at length and passed.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker	Carwile	Davis (Madison)	Ellis
Allen	Castleberry	Dearman	Flowers
Ball	Chewning	Delony	Garrett
Beck	Clayton	Devers	Gewin
Booth	Cook	Dobbs	Golson
Brown (Lee)	Cope	Doster	Hall

Hardwick	Miller	Pitts	Spence
Henson	McDanal	Quarles	Stallings
Hill	McGowin	Robertson (Cullman)	Tidmore
Hodo	Neighbors	Robinson (Lowndes)	Toomer
Langan	Newman	Sadler	Welch
Langley	Norman (Lowndes)	Sanderson	Wood
Martin	Payne	Scott	Wright
Matthews (Jackson)	Petrey	Segrest	Young
Mayhall			

—57

On motion of Mr. McGowin, the bill, H. 491, was ordered sent forthwith to the Senate without engrossment.

H. 490. To amend Section XXII of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 28, 1939.

Was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Devers	Lovlace	Robertson (Cullman)
Austin	Dobbs	Martin	Robinson (Lowndes)
Barnes	Dominick	Matthews (Jackson)	Robinson (St. Clair)
Beck	Doster	Mayhall	Sadler
Booth	Ellis	Miller	Sanderson
Boswell	Flowers	McDanal	Scott
Branyon	Garrett	McGowin	Segrest
Brown (Covington)	Gewin	Nation	Sessions
Brown (Lee)	Golson	Neighbors	Smyer
Carwile	Graves	Newman	Spence
Castleberry	Green	Norman (Lowndes)	Stallings
Chewning	Gwin	Owens	Stone
Cook	Hall	Payne	Taylor
Cope	Hill	Petrey	Tidmore
Davis (Madison)	Kaul	Pitts	Toomer
Dearman	Langan	Pool	Tucker
Delony	Langley	Quarles	White

—68

On motion of Mr. McGowin the bill, H. 490, was ordered sent forthwith to the Senate without engrossment.

H. 492. To provide that when the records and accounts of any municipal corporation are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the municipal corporation whose records and accounts are examined and audited shall reimburse the State for the amount of the salaries and expenses of the officers or employees of said Department or any Division thereof making such examination and audit earned or incurred by them in making the same; and to provide the method and manner of such reimbursement.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langley	Robinson (Lowndes)
Allen	Devers	Lovelace	Sadler
Austin	Dobbs	Martin	Sanderson
Ball	Doster	Mathews (Clarke)	Scott
Barnes	Ellis	Matthews (Jackson)	Segrest
Beck	Flowers	Mayhall	Sessions
Booth	Gewin	McGowin	Smyer
Brown (Covington)	Golson	Nation	Spence
Brown (Lee)	Graves	Neighbors	Stone
Carwile	Green	Newman	Taylor
Castleberry	Gwin	Norman (Lowndes)	Tidmore
Chewning	Hall	Owens	Waldrop
Clayton	Hardwick	Payne	Welch
Collier	Hare	Petrey	White
Cook	Hill	Pitts	Wood
Cope	Hodo	Quarles	Wright
Davis (Madison)	Langan	Robertson (Cullman)	Young
Dearman			

—69

On motion of Mr. McGowin, the bill, H. 492, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 516. To amend Section 1 of an Act entitled "An Act to provide that the proceeds of the excise tax levied by Schedule 138.1 of Section 348 of Chapter 1 of Article XIII of an Act entitled 'An Act to provide for the general revenues of the States of Alabama,' approved July 10, 1935, commonly known as the lubricating oil tax, shall, when collected, be covered into the State Treasury to the credit of the State Highway Patrol Fund, and to repeal all laws and parts of laws, general, special or local, in conflict herewith," approved March 17, 1939.

Was taken up. The Question was upon the adoption of the Amendment, reported by the Standing Committee on Appropriations, said committee amendment being as follows:

COMMITTEE AMENDMENT TO H. 516

Amend H. 516 by adding at the end of Section 1 thereof, as the same now appears therein, the following: Provided, however, that the funds herein appropriated to the State Planning Commission may be expended only upon the approval of the Governor, and at the end of any fiscal year any unexpended balance of such funds shall be covered into the State Treasury to the credit of the State Highway Patrol Fund.

And the amendment reported by the Standing Committee on Appropriations to the bill, H. 516, was adopted.

Yeas, 66; Nays, 1.

Yeas:

Mr. Speaker	Devers	Langan	Quarles
Allen	Dobbs	Langley	Robertson (Cullman)
Austin	Dominick	Lovelace	Robinson (St. Clair)
Bagley	Doster	Martin	Sadler
Ball	Garrett	Mathews (Clarke)	Scott
Barnes	Gewin	Miller	Segrest
Beck	Golson	McDanal	Smyer
Boswell	Green	McGowin	Spence
Brown (Covington)	Gwin	Nation	Stallings
Brown (Lee)	Hall	Neighbors	Stone
Carwile	Hardwick	Newman	Taylor
Chewning	Hare	Norman (Lowndes)	Tucker
Cook	Hill	Owens	Welch
Cope	Hodo	Payne	White
Davis (Madison)	Jenkins	Petrey	Wright
Dearman	Jones	Pitts	Young
Delony	Kaul		

—66

Nay: Mr. Peacock.

— 1

And said bill:

H. 516. To amend Section 1 of an Act entitled "An Act to provide that the proceeds of the excise tax levied by Schedule 138.1 of Section 348 of Chapter 1 of Article XIII of an Act entitled 'An Act to provide for the general revenues of the State of Alabama,' approved July 10, 1935, commonly known as the lubricating oil tax, shall, when collected, be covered into the State Treasury to the credit of the State Highway Patrol Fund, and to repeal all laws and parts of laws, general, special or local, in conflict herewith," approved March 17, 1939.

As amended by the amendment reported by the Standing Committee on Appropriations was read a third time at length and passed.

Yeas, 61; Nays, 14.

Yeas:

Mr. Speaker	Cook	Hodo	Nation
Allen	Cope	Jenkins	Neighbors
Austin	Davis (Madison)	Jones	Newman
Bagley	Dearman	Kaul	Norman (Lowndes)
Beck	Dominick	Langan	Owens
Booth	Doster	Langley	Payne
Boswell	Flowers	Lovelace	Pitts
Brown (Covington)	Garrett	Martin	Quarles
Brown (Lee)	Gewin	Miller	Robertson (Cullman)
Carwile	Golson	McCord	Scott
Chewning	Gwin	McDanal	Segrest
Clayton	Hill	McGowin	Sessions

Sherrer	Stone	Tucker	White
Smyer	Taylor	Waldrop	Wood
Snyder	Tidmore	Welch	Wright
Stallings			

—61

Nays:

Messrs.:	Dobbs	Matthews (Jackson)	Robinson (St. Clair)
Ball	Ellis	Mayhall	Sadler
Castleberry	Green	Peacock	Weston
Delony	Mathews (Clarke)	Robinson (Lowndes)	

—14

On motion of Mr. Kaul, the bill, H. 516, was ordered sent forth-with to the Senate without engrossment.

H. 951. To make a further appropriation of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Was read a third time at length and passed:

Yeas, 57; Nays, 1.

Yeas:

Mr. Speaker	Doster	Mathews (Clarke)	Robinson (Lowndes)
Allen	Ellis	Matthews (Jackson)	Robinson (St. Clair)
Bagley	Flowers	Mayhall	Sanderson
Beck	Garrett	Miller	Scott
Brown (Lee)	Golson	McDanal	Segrest
Carwile	Hall	McGowin	Sessions
Chewning	Hardwick	Nation	Sightler
Clayton	Jenkins	Newman	Snyder
Cook	Jones	Norman (Lowndes)	Stone
Cope	Kaul	Owens	Taylor
Davis (Madison)	Langan	Payne	Tidmore
Davis (Montgomery)	Langley	Petrey	Tucker
Dearman	Lovelace	Pitts	Welch
Dobbs	Martin	Robertson (Cullman)	Wood
Dominick			

—57

Nay: Mr. Peacock

— 1

On motion of Mr. Jones the bill, H. 951, was ordered sent forth-with to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested.

S. 401. For the relief of Miss S. L. Cochran and Miss E. E. Cochran.

Also:

S. 402. For the relief of Miss S. L. Cochran and Miss E. E. Cochran:

Also:

S. 322. To prescribe the duties and fix the compensation of the Coroner of Talladega County, Alabama, and to provide for payment of same.

Also:

S. 301. To provide the Sheriff of Talladega County, Alabama, an additional Deputy Sheriff to those now provided by law; to fix the salary of said deputy and to make the same payable in equal monthly installments from the general funds of Talladega County; to repeal all laws in conflict herewith.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 854. To propose and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday in May, 1940, an amendment to the Constitution of Alabama affecting the State Militia, repealing certain provisions of the existing Constitution of Alabama and providing for a State Military Department to administer all affairs of the State Militia, for the selection, nomination, appointment, and removal of officers of the federally recognized National Guard of Alabama, including the Adjutant General and officers of the State Military Department, and for a State Military Advisory Board.

Was taken up. Mr. Langan offered the following amendment to the bill, H. 854:

To amend House Bill No. 854 as follows:

First; By deleting from the title the following words and figures "Tuesday in May, 1940" where they appear in the second line of said title and by substituting in lieu thereof the following words

"general election held after the expiration of three months after the final adjournment of this present session of the Legislature".

Second; By deleting from section 1 of said Bill the following words and figures "Tuesday of May, 1940" where they first appear in said section and by substituting in lieu thereof the following words and figures "general election held after the expiration of three months after the final adjournment of this present Session of the Legislature".

And the amendment offered by Mr. Langan to the bill, H. 854, was adopted.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Delony	Lovelace	Scott
Allen	Devers	Mayhall	Segrest
Austin	Dobbs	Miller	Sessions
Bagley	Dominick	McCord	Sherrer
Barchard	Doster	McDanal	Sightler
Booth	Ellis	McGowin	Smyer
Boswell	Flowers	Nation	Spence
Branyon	Garrett	Neighbors	Stallings
Brown (Covington)	Gewin	Newman	Stone
Brown (Lee)	Golson	Owens	Taylor
Carwile	Graves	Payne	Tidmore
Castleberry	Green	Petrey	Toomer
Chewning	Gwin	Pitts	Tucker
Christopher	Hall	Pool	Waldrop
Clayton	Hardwick	Quarles	Welch
Cook	Hill	Robertson (Cullman)	Wood
Cope	Jones	Robinson (Lowndes)	Wright
Davis (Madison)	Langan	Robinson (St. Clair)	Young
Dearman	Langley	Sadler	

—75

And said bill:

H. 854. A bill entitled An Act to propose and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday in May, 1940, an amendment to the Constitution of Alabama affecting the State Militia, repealing certain provisions of the existing Constitution of Alabama and providing for a State Military Department to administer all affairs of the State Militia, for the selection, nomination, appointment, and removal of officers of the federally recognized National Guard of Alabama, including the Adjutant General and officers of the State Military Department, and for a State Military Advisory Board.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amend-

ment and the day appointed for such election shall be the first Tuesday of May, 1940. The proposed amendment is as follows:

“STATE MILITIA

“Section 1. For the purpose of promoting the military proficiency and effectiveness of the armed forces of this State, all officers, including general officers, of the Federally recognized National Guard, including The Adjutant General and all officers of the State Military Department, shall be appointed, and after the adoption of this amendment shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of their individual military proficiency, character, and service, as determined according to military or naval regulations and usages sanctioned by the law of this State and of the United States and not inconsistent with the provisions and spirit of this Amendment. The qualifications of such officers of the active Federally recognized National Guard shall be prescribed in military regulations promulgated in accordance with specifications of the United State War Department under authority of Federal laws affecting the National Guard; provided that all general officers of the line of the Federally recognized National Guard and The Adjutant General shall have had at least six years service as commissioned officers in the Federally recognized active National Guard at the time of their recommendation and appointment as herein provided, and shall be members of the National Guard at the time of their recommendation and appointment, and that officers of the State Military Department and State Staff hereafter appointed (except when commissioned in the Medical Corps) shall have served at least three years in the Federally recognized National Guard and be members thereof at the time of their appointment, and they shall have military and civil education, training, and experience particularly fitting them for the positions to which they are assigned.

“Section 2. All officers of the Federally recognized National Guard shall be commissioned by the Governor, as Commander-in-Chief of the Militia, upon nominations made as herein provided. General officers and regimental and battalion or squadron commanders shall have the right to select and nominate qualified officers to fill vacancies occurring on their respective staffs in the Federally recognized National Guard. The Adjutant General shall select and nominate suitable and qualified officers to fill vacancies occurring on the State Staff and the Alabama portion of staffs of commanders who are not members of the National Guard of this State. All general officers of the line of the Federally recognized National Guard and The Adjutant General, who may be commissioned a general officer, shall be appointed by the Governor, with

the consent of the Senate, subject to the following conditions and limitations: Whenever there occurs a vacancy for any such officer, The Adjutant General (or the Governor if there be no Adjutant General) shall, within thirty days after the occurrence of the vacancy, cause to be held within thirty days thereafter a meeting of the State Military Advisory Board, provided for in Section 4 of this Amendment, and if such meeting is not called within the prescribed time by such officer, the ranking member of said Board shall do so. Said State Military Advisory Board when so convened shall, by a majority vote, recommend to the Governor within thirty days a list of one or more persons considered by them to be qualified as to education, professional training and ability, character, experience, and general ability for the office to be filled, and the Governor shall within thirty days thereafter fill such vacancy by appointment from among the persons so recommended, and, if the Governor fail or refuse to make such appointment within the prescribed time, The Adjutant General (or the Chief Justice of the Supreme Court, if there be no Adjutant General or such officer fails or refuses to act within another thirty days) shall make such appointment from such list of recommended persons, and any such appointment made by any of such officers shall be subject to confirmation by the Senate; provided that where the appointment of a general officer, other than The Adjutant General, requires the consent or concurrence of another State Government, the Governor shall not be bound by the time limits prescribed for making the actual appointment. Any person appointed to The Adjutant General or a general officer at a time when the Senate is not in session shall hold and exercise such office until the Senate next convenes, when his appointment must be immediately submitted by the officer making the appointment to the Senate for confirmation. Commanding officers of regiments and separate battalions or squadrons shall be selected and nominated by The Adjutant General from among persons on the State Register of Eligibles for an appropriate grade and branch with the concurrence of the State Military Advisory Board. Nominations of officers to fill vacancies in the Federally recognized National Guard not otherwise provided for in this amendment shall be made by boards composed of The Adjutant General and all higher tactical commanders of the unit involved from persons on the State Register of Eligibles for an appropriate grade and branch.

"Section 3. Commissions and appointments of officers of the Federally recognized National Guard, The Adjutant General, and officers of the State Military Department, shall be vacated or suspended only in the following manners: by resignation; by compulsory retirement at a definite maximum age, or voluntary retirement, as provided by a statute consistent with this amendment and re-

quirements of the United States Government; by sentence of a court-martial, by suspension, discharge, or retirement for cause upon the recommendations of an Efficiency Board of three superior officers, in cases of officers other than The Adjutant General or general officers, because of neglect of duty or moral or professional unfitness for further service as a commissioned officer, the accused officer having the right to appear before such board, present evidence, and appeal to higher military authority; upon withdrawal of Federal recognition; upon failure to comply with Federal regulations for continuance of Federal recognition; upon conviction of a felony; and because of physical unfitness, upon the recommendation of one or more medical officers of the National Guard or some other component of the United States Army. The Adjutant General and general officers of the Federally recognized National Guard shall be subject to impeachment in the manner prescribed for the impeachment of the Attorney General of the State and for the same reasons; they may also be removed from office by the Governor upon the recommendation and with the concurrence of the State Military Advisory Board because of neglect of duty or moral or professional unfitness for further service as such officers upon written charges proffered by the Governor or a member of such Board. In the event of a National mobilization, war, or emergency during which The Adjutant General is ordered, called, drafted, or serves in the Federal service, the Governor may appoint, with the consent of the Senate, a temporary The Adjutant General without regard to the method of selection prescribed in this amendment who shall serve until The Adjutant General is released from Federal service, after which time the latter shall again assume his office; no permanent The Adjutant General shall be appointed during the time that the Federally recognized National Guard of Alabama shall be in the Federal service.

"Section 4. There shall be a State Military Advisory Board composed of all active general officers of the line of the Federally recognized National Guard, The Adjutant General, the ranking Judge Advocate General, and the ranking active line officer of each combatant arm of the service represented in the organized National Guard of Alabama. Such Board shall have such duties as are imposed upon it by law, in addition to its duties as provided for in this amendment.

"Section 5. All affairs of the State Militia shall be conducted by a State Military Department, of which The Adjutant General shall be the head, and the officers and employees of such department shall be appointed by The Adjutant General, so far as consistent with Federal laws and regulations pertaining thereto; provided that nothing contained herein shall prevent the application of a merit or civil service system in such department in so far as it

does not conflict with the provisions of this amendment.

"Section 6. The provisions of this amendment shall become ineffective immediately upon the adoption of this amendment, and all of said provisions shall be self-executing. Nothing in this amendment shall be construed as requiring the removal of any officer mentioned therein who is holding office at the time of its adoption. Any provision of the existing Constitution inconsistent with any provision of this Amendment is hereby repealed."

Section 2. That notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed amendment, the qualified electors of the State shall vote on said proposed amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"STATE MILITIA

"Section 1. For the purpose of promoting the military proficiency and effectiveness of the armed forces of this State, all officers, including general officers, of the Federally recognized National Guard, including The Adjutant General and all officers of the State Military Department, shall be appointed, and after the adoption of this amendment shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of their individual military proficiency, character, and service, as determined according to military or naval regulations and usages sanctioned by the law of this State and of the United States and not inconsistent with the provisions and spirit of this Amendment. The qualifications of such officers of the active Federally recognized National Guard shall be prescribed in military regulations promulgated in accordance with specifications of the United States War Department under authority of Federal laws affecting the National Guard; provided that all general officers of the line of the Federally recognized National Guard and The Adjutant General shall have had at least six years service as commissioned officers in the Federally recognized active National Guard at the time of their recommendation and appointment as herein provided, and shall be members of the National Guard at the time of their recommendation and appointment, and that officers of the State Military Department and State Staff hereafter appointed (except when commissioned in the Medical Corps) shall have served at least three

years in the Federally recognized National Guard and be members thereof at the time of their appointment, and they shall have military and civil education, training, and experience particularly fitting them for the positions to which they are assigned.

"Section 2. All officers of the Federally recognized National Guard shall be commissioned by the Governor, as Commander-in-Chief of the Militia, upon nominations made as herein provided. General officers and regimental and battalion or squadron commanders shall have the right to select and nominate qualified officers to fill vacancies occurring on their respective staffs in the Federally recognized National Guard. The Adjutant General shall select and nominate suitable and qualified officers to fill vacancies occurring on the State Staff and the Alabama portion of Staffs of commanders who are not members of the National Guard of this State. All general officers of the line of the Federally recognized National Guard and The Adjutant General, who may be commissioned a general officer, shall be appointed by the Governor with the consent of the Senate, subject to the following conditions and limitations: Whenever there occurs a vacancy for any such officer, The Adjutant General (or the Governor if there be no Adjutant General), shall, within thirty days after the occurrence of the vacancy, cause to be held within thirty days thereafter a meeting of the State Military Advisory Board, provided for in Section 4 of this Amendment, and if such meeting is not called within the prescribed time by such officer, the ranking member of said Board shall do so. Said State Military Advisory Board when so convened shall, by a majority vote, recommend to the Governor within thirty days a list of one or more persons considered by them to be qualified as to education, professional training and ability, character, experience, and general ability for the office to be filled, and the Governor shall within thirty days thereafter fill such vacancy by appointment from among the persons so recommended, and, if the Governor fail or refuse to make such appointment within the prescribed time, The Adjutant General (or the Chief Justice of the Supreme Court, if there be no Adjutant General or such officer fails or refuses to act within another thirty days) shall make such appointment from such list of recommended persons, and any such appointment made by any of such officers shall be subject to confirmation by the Senate; provided that where the appointment of a general officer, other than The Adjutant General, requires the consent or concurrence of another State Government, the Governor shall not be bound by the time limits prescribed for making the actual appointment. Any person appointed to be The Adjutant General or a general officer at a time when the Senate is not in session shall hold and exercise such office until the Senate next convenes, when his appointment must be immediately submitted

by the officer making the appointment to the Senate for confirmation. Commanding officers of regiments and separate battalions or squadrons shall be selected and nominated by The Adjutant General from among persons on the State Register of Eligibles for an appropriate grade and branch with the concurrence of the State Military Board. Nominations of officers to fill vacancies in the Federally recognized National Guard not otherwise provided for in this amendment shall be made by boards composed of The Adjutant General and all higher tactical commanders of the Unit involved from persons on the State Register of Eligibles for an appropriate grade and branch.

"Section 3. Commissions and appointments of Officers of the Federally recognized National Guard, The Adjutant General, and officers of the State Military Department, shall be vacated or suspended only in the following manners: by resignation; by compulsory retirement at a definite maximum age, or voluntary retirement, as provided by statutes consistent with this amendment and requirements of the United States Government; by sentence of a court-martial; by suspension, discharge, or retirement for cause upon the recommendations of an Efficiency Board of three superior officers, in cases of officers other than The Adjutant General or general officers, because of neglect of duty or moral or professional unfitness for further service as a commissioned officer, the accused officer having the right to appear before such board, present evidence, and appeal to higher military authority; upon withdrawal of Federal recognition; upon failure to comply with Federal regulations for continuance of Federal recognition; upon conviction of a felony; and because of physical unfitness, upon the recommendation of one or more medical officers of the National Guard for some other component of the United States Army. The Adjutant General and general officers of the Federally recognized National Guard shall be subject to impeachment in the manner prescribed for the impeachment of the Attorney General of the State and for the same reasons; they may also be removed from office by the Governor upon the recommendation and with the concurrence of the State Military Advisory Board because of neglect of duty or moral or professional unfitness for further service as such officers upon written charges proffered by the Governor or a member of such Board. In the event of a National mobilization, war, or emergency during which The Adjutant General is ordered, called, drafted, or serves in the Federal service, the Governor may appoint, with the consent of the Senate, a temporary The Adjutant General without regard to the method of selection prescribed in this amendment who shall serve until The Adjutant General is released from Federal service, after which time the latter shall again assume his office; no permanent The Adjutant General shall be

appointed during the time that the Federally recognized National Guard of Alabama shall be in the Federal service.

"Section 4. There shall be a State Military Advisory Board composed of all active general officers of the line of the Federally recognized National Guard, The Adjutant General, the ranking Judge Advocate General, and the ranking active line officer of each combatant arm of the service represented in the organized National Guard of Alabama. Such Board shall have such duties as are imposed upon it by law, in addition to its duties as provided for in this amendment.

"Section 5. All affairs of the State Militia shall be conducted by a State Military Department, of which The Adjutant General shall be the head, the officers and employees of such department shall be appointed by The Adjutant General, so far as consistent with Federal laws and regulations pertaining thereto; provided that nothing contained herein shall prevent the application of a merit or civil service system in such department in so far as it does not conflict with the provisions of this amendment.

"Section 6. The provisions of this amendment shall become effective immediately upon the adoption of this amendment, and all of said provisions shall be self-executing. Nothing in this amendment shall be construed as requiring the removal of any officer mentioned therein who is holding office at the time of its adoption. Any provision of the existing Constitution inconsistent with any provision of this Amendment is hereby repealed." Yes.....

No....." The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments to the constitution.

Section 5. The votes cast as said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the

notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

As amended by the amendment offered by Mr. Langan, was read a third time at length and passed.

Yeas, 83; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Langley	Sanderson
Allen	Delony	Lovelace	Scott
Austin	Devers	Matthews (Jackson)	Segrest
Bagley	Dobbs	Miller	Sessions
Ball	Dominick	McDanal	Sherrer
Barchard	Doster	McGowin	Sightler
Barnes	Ellis	Nation	Smyer
Beck	Flowers	Neighbors	Snyder
Booth	Garrett	Newman	Spence
Branyon	Gewin	Norman (Lowndes)	Stallings
Brown (Covington)	Green	Owens	Stone
Brown (Lee)	Gwin	Payne	Taylor
Carwile	Hall	Peacock	Tidmore
Castleberry	Hardwick	Petrey	Toomer
Chewning	Hare	Pitts	Tucker
Christopher	Hill	Pool	Welch
Clayton	Hodo	Quarles	Whigham
Collier	Jenkins	Robertson (Cullman)	Wood
Cook	Jones	Robinson (Lowndes)	Wright
Cope	Kaul	Robinson (St. Clair)	Young
Davis (Madison)	Langan	Sadler	

—83

H. 848. To further provide for the expenses of the State Militia by making a special appropriation for the use of the Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia.

Was taken up. Mr. Dominick offered the following substitute for the bill, H. 848.

A substitute for House Bill 848, reading as follows:

A Bill to be entitled An Act to make a special appropriation for the use of The Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia, contingent upon the Governor finding the condition of the State Treasury to warrant such expenditures, and to provide for the manner and other conditions under which such expenditures shall be made.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, out of the monies in the State Treasury not otherwise appropriated, the sum of Sixty

Thousand Dollars (\$60,000.00) for the use of the Armory Commission of Alabama in paying or satisfying any mortgage indebtedness or other obligations which the Armory Commission of Alabama or any unit or headquarters may be obligated to pay in connection with the construction of armories, warehouses, or other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia; provided, however, that the appropriation hereby made shall be available when, as, and in such amounts as the Governor in his discretion considers that the condition of the State Treasury will permit; and provided further, that when and as said appropriation, or any portion or portions thereof, is made available by the Governor as provided herein, said money may be used either wholly or in part to reimburse any unit or headquarters of the State Militia for any monies it shall have advanced, paid out, or provided from any source after the date of the approval of this Act for the purpose of paying any mortgage indebtedness or obligation for the payment of which this appropriation is made. All expenditures made under authority of this Act shall be paid on vouchers approved by The Adjutant General on behalf of the Armory Commission of Alabama and by the Governor.

And the substitute offered by Mr. Dominick for the bill, H. 848 was adopted.

Yeas, 76, Nays, 1.

Yeas:

Mr. Speaker	Davis (Madison)	Langley	Sadler
Allen	Dearman	Lovelace	Scott
Austin	Delony	Martin	Segrest
Bagley	Devers	Miller	Sessions
Ball	Dobbs	McCord	Sherrer
Barchard	Dominick	McDanal	Sightler
Barnes	Doster	Nation	Spence
Beck	Flowers	Neighbors	Stallings
Booth	Garrett	Newman	Stone
Boswell	Gewin	Norman (Bullock)	Taylor
Branyon	Golson	Norman (Lowndes)	Tidmore
Brown (Lee)	Green	Owens	Toomer
Carwile	Gwin	Payne	Waldrop
Castleberry	Hall	Petrey	Welch
Chewning	Hardwick	Pitts	Whigham
Christopher	Hare	Quarles	White
Clayton	Hodo	Robertson (Cullman)	Wood
Cook	Kaul	Robinson (Lowndes)	Wright
Cope	Langan	Robinson (St. Clair)	Young

Nay: Mr. Peacock

And said bill:

H. 848. To further provide for the expenses of the State Militia by making a special appropriation for the use of the Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia.

As amended by the substitute offered by Mr. Dominick, was read a third time at length and passed.

Yeas, 76; Nays, 1.

Yeas:

Mr. Speaker	Davis (Madison)	Langley	Sadler
Allen	Dearman	Lovelace	Scott
Austin	Delony	Martin	Segrest
Bagley	Devers	Miller	Sessions
Ball	Dobbs	McCord	Sherrer
Barchard	Dominick	McDanal	Sightler
Barnes	Doster	Nation	Spence
Beck	Flowers	Neighbors	Stallings
Booth	Garrett	Newman	Stone
Boswell	Gewin	Norman (Bullock)	Taylor
Branyon	Golson	Norman (Lowndes)	Tidmore
Brown (Lee)	Green	Owens	Toomer
Carwile	Gwin	Payne	Waldrop
Castleberry	Hall	Petrey	Welch
Chewning	Hardwick	Pitts	Whigham
Christopher	Hare	Quarles	White
Clayton	Hodo	Robertson (Cullman)	Wood
Cook	Kaul	Robinson (Lowndes)	Wright
Cope	Langan	Robinson (St. Clair)	Young

—76

Nay: Mr. Peacock

— 1

H. 779. To amend Section 346.5 of Chapter 1 of Article XII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 68; Nays, 13.

Yeas:

Mr. Speaker	Brown (Lee)	Delony	Hodo
Allen	Carwile	Dominick	Kaul
Austin	Chewning	Flowers	Langan
Ball	Christopher	Gewin	Langley
Barchard	Clayton	Green	Lovelace
Beck	Cobb	Gwin	Martin
Booth	Cook	Hardwick	Matthews (Jackson)
Branyon	Davis (Madison)	Hare	Miller
Brown (Covington)	Dearman	Hill	McCord

McDanal	Petrey	Segrest	Tidmore
McGowin	Phillips	Sessions	Toomer
Nation	Pitts	Sightler	Tucker
Neighbors	Pool	Smyer	Waldrop
Newman	Quarles	Snyder	Welch
Owens	Robertson (Cullman)	Spence	White
Payne	Sanderson	Stallings	Wright
Peacock	Scott	Stone	Young

—68

Nays:

Messrs.:	Devers	Mayhall	Robinson (Lowndes)
Barnes	Henson	Norman (Bullock)	Sadler
Boswell	Jenkins	Norman (Lowndes)	Whigham
Castleberry	Mathews (Clarke)		

—13

PAIRS ANNOUNCED

The following pairs were announced:

Yea	Nay
Davis of Montgomery	Taylor
Waller	Wood
Haynes	Cope

On motion of Mr. McGowin the bill, H. 779, was ordered sent forthwith to the Senate without engrossment.

H. 780. To amend Schedule 158.19 of Chapter 6 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 73; Nays, 6.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Robinson (St. Clair)
Allen	Dominick	Mayhall	Sanderson
Austin	Flowers	Miller	Scott
Bagley	Garrett	McCord	Sessions
Ball	Gewin	McDanal	Sherrer
Beck	Golson	McGowin	Sightler
Booth	Green	Nation	Smyer
Boswell	Gwin	Neighbors	Spence
Branyon	Hardwick	Newman	Stallings
Brown (Covington)	Hare	Norman (Bullock)	Tidmore
Brown (Lee)	Hodo	Norman (Lowndes)	Toomer
Castleberry	Jenkins	Owens	Tucker
Chewning	Jones	Payne	Waldrop
Clayton	Kaul	Peacock	Welch
Cook	Langan	Petrey	Whigham
Cope	Langley	Pitts	Wood
Davis (Madison)	Lovell	Quarles	Wright
Dearman	Martin	Robertson (Cullman)	Young
Delony			

—73

Nays:

Messrs.:	Cobb	Robinson (Lowndes)	Taylor	— 6
Barnes	Mathews (Clarke)	Sadler		

On motion of Mr. McGowin the bill, H. 780, was ordered sent forthwith to the Senate without engrossment.

H. 886. To provide for the disposition and use of the profits of the State Liquor Stores operated under the Alabama Beverage Control Act.

Was read a third time at length and passed.

Yeas, 68; Nays, 12.

Yeas:

Mr. Speaker	Delony	Langley	Robertson (Cullman)
Allen	Dobbs	Martin	Scott
Austin	Dominick	Matthews (Jackson)	Segrest
Bagley	Flowers	Mayhall	Sessions
Ball	Garrett	Miller	Sherrer
Beck	Golson	McCord	Sightler
Booth	Green	McDanal	Smyer
Branyon	Gwin	McGowin	Spence
Brown (Covington)	Hall	Nation	Taylor
Brown (Lee)	Hardwick	Newman	Tidmore
Carwile	Hare	Norman (Bullock)	Toomer
Chewning	Hill	Norman (Bullock)	Tucker
Christopher	Hodo	Owens	Waldrop
Clayton	Jenkins	Payne	Welch
Cook	Jones	Petrey	Wood
Davis (Madison)	Kaul	Pool	Wright
Dearman	Langan	Quarles	Young

—68

Nays:

Messrs.:	Cobb	Henson	Peacock
Barnes	Collier	Lovelace	Robinson (Lowndes)
Boswell	Doster	Mathews (Clarke)	Sadler
Castleberry			

—12

PAIR ANNOUNCED

The following pair was announced:

Yea, Haynes; Nay, Cope.

On motion of Mr. McGowin the bill, H. 886, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

COMMITTEE AMENDMENT TO HOUSE BILL, 782

Amend House Bill No. 782 by interpolating the following words in the last sentence of Section 1, after the word "be" and before the word "used"; "in lieu of the refund of the tax paid by the municipalities on the gasoline consumed by the municipalities of the State and instead of exempting the municipalities from the gasoline tax, and shall be"

And the amendment reported by the Standing Committee on Ways and Means to the bill, H. 782, was adopted.

Yeas, 69; Nays, 2.

Yeas:

Mr. Speaker	Dobbs	Langley	Robinson (Lowndes)
Allen	Dominick	Lovelace	Robinson (St. Clair)
Austin	Doster	Martin	Sadler
Bagley	Flowers	Mathews (Clarke)	Sanderson
Barchard	Garrett	Mayhall	Scott
Booth	Gewin	Miller	Segrest
Boswell	Golson	McCord	Sherrer
Branyon	Green	McDanal	Sightler
Brown (Covington)	Gwin	McGowin	Smyer
Carwile	Hall	Nation	Spence
Castleberry	Hare	Newman	Taylor
Chewning	Hill	Norman (Bullock)	Tidmore
Christopher	Hodo	Owens	Tucker
Clayton	Jenkins	Pitts	Waldrop
Cook	Jones	Pool	White
Davis (Madison)	Kaul	Quarles	Wright
Dearman	Langan	Robertson (Cullman)	Young
Delony			

—69

Nays: Messrs. Payne, Peacock.

— 2

Mr. Ellis offered the following amendment to the bill, H. 782:

To amend Section 1 of House Bill 782 by substituting the following for the first sentence in the last paragraph of said Section 1:

Notwithstanding anything in this schedule to the contrary, after costs of collection as hereinabove in this schedule provided for, the sum of ten thousand four hundred twenty dollars shall be deducted monthly from that portion of the proceeds of the two cent tax dealt with in this schedule which is allocated to the State Highway Department before any distribution of such proceeds in accordance with the foregoing provisions of this schedule, and only

the balance of such proceeds, after such costs of collection and such deduction of ten thousand four hundred twenty dollars, shall be subject to distribution in accordance with the scheme of distribution, hereinabove in this schedule provided, and notwithstanding anything in this act contained, no part or portion of the gas tax now allocated to the several counties of the State shall be controlled, governed or allocated to the several cities of the State, but only that portion thereof now allocated by existing laws to the State shall by this act be appropriated or allocated to said cities.

Mr. McGowin moved to table the amendment offered by Mr. Ellis to the bill, H. 782.

And the motion of Mr. McGowin to table the amendment offered by Mr. Ellis to the bill, H. 782, was lost.

Yeas, 35; Nays, 49.

Yeas:

Mr. Speaker	Clayton	Hare	Peacock	
Allen	Davis (Madison)	Hodo	Pool	
Austin	Delony	Jones	Quarles	
Bagley	Dominick	Kaul	Scott	
Barchard	Flowers	Langan	Sessions	
Booth	Garrett	Martin	Sherrer	
Branyon	Green	McDanal	Smyer	
Brown (Covington)	Gwin	McGowin	Waldrop	
Chewning	Hardwick	Owens		—35

Nays:

Messrs.:	Ellis	McCord	Sightler	
Barnes	Gewin	Nation	Snyder	
Boswell	Golson	Neighbors	Spence	
Carwile	Graham	Newman	Tidmore	
Castleberry	Hall	Norman (Bullock)	Tucker	
Christopher	Henson	Payne	Welch	
Collier	Hill	Pitts	Weston	
Cook	Jenkins	Robertson (Cullman)	Whigham	
Cope	Langley	Robinson (Lowndes)	White	
Dearman	Mathews (Clarke)	Robinson (St. Clair)	Wood	
Devers	Matthews (Jackson)	Sadler	Wright	
Dobbs	Mayhall	Sanderson	Young	
Doster	Miller			—49

PAIR ANNOUNCED

The following pair was announced:

Yea, Davis of Montgomery; Nay, Taylor.

And the amendment offered by Mr. Ellis to the bill, H. 782, was adopted.

Yeas, 70; Nays, 7.

Yeas:

Mr. Speaker	Cope	Langley	Sadler
Allen	Davis (Madison)	Mathews (Clarke)	Sanderson
Austin	Dearman	Matthews (Jackson)	Sherrer
Bagley	Delony	Mayhall	Sightler
Barchard	Devers	Miller	Snyder
Barnes	Dobbs	McCord	Spence
Booth	Doster	McDanal	Taylor
Boswell	Ellis	Nation	Tidmore
Branyon	Gewin	Neighbors	Toomer
Brown (Covington)	Golson	Newman	Tucker
Brown (Lee)	Graham	Norman (Bullock)	Waldrop
Carwile	Hall	Owens	Weston
Castleberry	Hardwick	Pitts	Whigham
Chewning	Henson	Pool	White
Christopher	Hill	Quarles	Wood
Clayton	Jenkins	Robertson (Cullman)	Wright
Collier	Kaul	Robinson (St. Clair)	Young
Cook	Langan		

—70

Nays:

Messrs.:	Flowers	Peacock	Sessions
Dominick	McGowin	Robinson (Lowndes)	Smyer

— 7

And said bill:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

As amended, was read a third time at length and passed.

Yeas, 58; Nays, 16.

Yeas:

Mr. Speaker	Delony	Kaul	Scott
Allen	Dobbs	Langan	Sessions
Austin	Dominick	Langley	Sherrer
Barchard	Doster	Lovelace	Sightler
Booth	Ellis	Martin	Smyer
Boswell	Flowers	Miller	Snyder
Branyon	Garrett	McCord	Spence
Brown (Covington)	Golson	McDanal	Taylor
Castleberry	Graham	McGowin	Tucker
Chewning	Green	Newman	Waldrop
Christopher	Hall	Owens	Whigham
Clayton	Hardwick	Pitts	White
Collier	Hill	Quarles	Wood
Davis (Madison)	Hodo	Sanderson	Young
Dearman	Jones		

—58

Nays:

Messrs.:	Cope	Norman (Bullock)	Robinson (St. Clair)
Barnes	Gewin	Payne	Segrest
Carwile	Mathews (Clarke)	Peacock	Tidmore
Cobb	Mayhall	Robinson (Lowndes)	Wright
Cook			

—16

H. 510. To provide for the transfer of any unencumbered balance in the Highway Patrol Fund at the end of each two-year licensing period provided for in Section 1 of an Act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration, examination and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the Director of Public Safety, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment of employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; and to repeal all laws and parts of laws in conflict herewith," approved March 18, 1939, into the State Treasury to the credit of the General Fund.

Was read a third time at length and passed.

Yeas, 55; Nays, 1.

Yeas:

Mr. Speaker	Delony	Jenkins	Pitts
Allen	Dobbs	Jones	Robinson (St. Clair)
Austin	Dominick	Langan	Sadler
Boswell	Doster	Langley	Sanderson
Brown (Covington)	Ellis	Martin	Segrest
Carwile	Flowers	Mathews (Clarke)	Sightler
Castleberry	Garrett	Mathews (Jackson)	Smyer
Chewning	Gewin	Miller	Spence
Christopher	Graham	McCord	Tidmore
Clayton	Hall	McDanal	Waldrop
Collier	Hardwick	Nation	Welch
Cope	Hare	Neighbors	Whigham
Davis (Madison)	Hill	Newman	Wood
Dearman	Hodo	Payne	—55

Nay: Mr. Peacock.

— 1

On motion of Mr. Hodo, the bill, H. 510, was ordered sent forthwith to the Senate without engrossment.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said Committee, in session, has compared

the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

By Mr. Dominick:

H. 848. To make a special appropriation for the use of The Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia, contingent upon the Governor finding the condition of the State Treasury to warrant such expenditures, and to provide for the manner and other conditions under which such expenditures shall be made.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

BILLS ON THIRD READING

H. 770. To provide for the creation, operation, supervision, termination and regulation of all associations accepting monies from the public for the promotion of thrift and financing of homes, whether or not incorporated; the regulation and supervision of a like business by an individual or partnership; the operation, supervision, termination and regulation of every corporation heretofore incorporated under the laws of this State, and the consolidation of two or more of them, accepting monies from the public and having for its purpose the promotion of thrift and the financing of homes by whatever name known, except Saving Banks, trust companies and trust departments of commercial banks; and the creation of a Savings and Loan Bureau of the Department of Commerce for the State of Alabama; to repeal all laws in conflict herewith, and to repeal all laws and parts of laws pertaining to Building and Loan Associations in Alabama, effective eighteen months from the approval of this Act by the Governor, excepting certain sections herein expressly reenacted.

Was read a third time at length and passed.

Yeas, 56; Nays, 2.

Yeas:

Mr. Speaker	Brown (Covington)	Cope	Dominick
Allen	Carwile	Davis (Madison)	Doster
Austin	Castleberry	Dearman	Ellis
Bagley	Chewning	Delony	Flowers
Booth	Clayton	Devers	Garrett
Boswell	Cobb	Dobbs	Gewin

Hall	Miller	Payne	Spence
Hardwick	McCord	Peacock	Taylor
Hare	McDanal	Pitts	Tidmore
Hodo	McGowin	Sadler	Waldrop
Jones	Nation	Segrest	Welch
Lovelace	Neighbors	Sessions	White
Martin	Newman	Sherrer	Wood
Mathews (Clarke)	Norman (Bullock)	Smyer	Young

—56

Nays: Messrs. Collier, Graham.

— 2

On motion of Mr. Hodo the bill, H. 770, was ordered sent forth-with to the Senate without engrossment.

H. 513. To provide that all moneys accruing to or collected by or through the Department of Commerce or any bureau or division thereof, or as a result of any law which the Department of Commerce or any bureau or division thereof may now or hereafter be charged with the duty of administering shall, when collected, be covered into the State Treasury to the credit of the General Fund.

Was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker	Davis (Madison)	Hodo	Payne
Austin	Dearman	Jones	Robertson (Cullman)
Bagley	Delony	Langan	Sadler
Beck	Devers	Langley	Segrest
Booth	Dobbs	Lovelace	Sessions
Boswell	Dominick	Martin	Sherrer
Branyon	Doster	Miller	Smyer
Brown (Covington)	Ellis	McCord	Tidmore
Carwile	Flowers	McDanal	Tucker
Castleberry	Garrett	McGowin	Waldrop
Chewning	Gewin	Nation	Welch
Christopher	Hall	Neighbors	White
Clayton	Hardwick	Newman	Wood
Cobb	Henson	Owens	Young
Cope	Hill		

—58

Nay: Mr. Peacock.

— 1

On motion of Mr. Hodo the bill, H. 513, was ordered sent forth-with to the Senate without engrossment.

H. 514. To provide that all moneys accruing to or collected by or through the State Securities Commission or as a result of any statute which said State Securities Commission may now or hereafter be charged with the duty of administering shall, when collected, be covered into the State Treasury to the credit of the General Fund.

Was read a third time at length and passed.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Hodo	Payne
Allen	Dearman	Jones	Pitts
Austin	Delony	Langan	Segrest
Bagley	Devers	Langley	Sightler
Barnes	Dobbs	Loveland	Smyer
Beck	Dominick	Martin	Spence
Booth	Doster	Mathews (Clarke)	Taylor
Boswell	Ellis	Miller	Tidmore
Brown (Covington)	Flowers	McCord	Tucker
Brown (Lee)	Garrett	McDanal	Welch
Carwile	Gewin	McGowin	Whigham
Castleberry	Hardwick	Neighbors	White
Chewning	Hare	Newman	Wood
Clayton	Hill	Norman (Bullock)	Young
Cope			

—57

On motion of Mr. Hodo the bill, H. 514, was ordered sent forth-with to the Senate without engrossment.

H. 825. To amend Section 843 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langley	Robertson (Cullman)
Allen	Devers	Loveland	Sadler
Austin	Dobbs	Martin	Sanderson
Barchard	Dominick	Mathews (Clarke)	Segrest
Barnes	Doster	Mathews (Jackson)	Sherrer
Booth	Ellis	Miller	Sightler
Boswell	Flowers	McDanal	Spence
Brown (Covington)	Garrett	McGowin	Taylor
Carwile	Gewin	Nation	Tidmore
Chewning	Hall	Neighbors	Tucker
Christopher	Hardwick	Norman (Bullock)	Waldrop
Clayton	Hare	Payne	Welch
Cobb	Hill	Peacock	Whigham
Collier	Hodo	Pitts	Wood
Cope	Jones	Pool	Young
Davis (Madison)			

—61

On motion of Mr. Jones the bill, H. 825, was ordered sent forth-with to the Senate without engrossment.

(With substitute):

H. 392. To impose an excise tax on the use of motor fuels (other than gasoline) in this State; Providing for the collection and payment of such tax by the users of such motor fuels; And for the examination of the books and records of such users; Providing

for recovery of taxes paid erroneously or taxes illegally collected; providing penalties for violations of the Act; providing for the distribution of the funds derived therefrom and providing for the use to which such funds shall be put; providing for the licensing of users of such motor fuels, and providing for the enforcement of the Act and collection of the tax imposed.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Substitute for House bill 392:

A BILL

To be entitled An Act to impose an excise tax upon all persons, selling, distributing, using or storing and withdrawing from storage any motor fuel, other than gasoline as now defined, used to operate motor vehicles over the public highways of this State; to fix the tax rate and provide for the collection thereof; to require reports of all persons liable for the tax herein imposed and fix penalties for the violation of the provisions of this Act; to provide for the expense of administering this Act and make disposition of the funds collected hereunder; to ratify and confirm departmental rulings heretofore made as to taxability of certain petroleum products, to repeal all laws in conflict with the provisions of this Act; to fix the effective date thereof and to provide generally for the enforcement of the provisions and regulations provided herein, including the posting of bond to guarantee the payment of the tax therein levied.

Be it enacted by the Legislature of Alabama:

SECTION 1. As used in this Act the term "motor fuel" shall include "diesel oil" "tractor fuel", "gas oil", "distillate", "liquified gas", or any other products other than gasoline as now defined by the General Revenue Act, approved July 10, 1935, used to operate any motor vehicle over the public highways of this State. The word "person" shall include individuals, persons, corporations, co-partnerships, companies, counties, municipal corporations, school boards or agencies of the State or other agencies, associations, incorporated or otherwise singular or plural, The term "distributor" as used in this Act shall include any person who engages in the sale or distribution of motor fuel as herein defined at wholesale or retail within this State. The term "user" shall include any person who ships, causes to be shipped, manufactures, or receives motor fuels as herein defined in this State and uses the same for

the purpose of operating any kind of motor vehicles over the highways of Alabama. The term "storer" as herein used shall include any person who manufactures or receives motor fuel as herein defined, stores, same in any manner, and withdraws same for any purpose. The term "operator" shall include any person as herein defined who engages in the operation of a motor vehicle over the highways of this State. The term "motor vehicle" shall not be construed to mean road graders or excavating machines used in the construction or maintenance of highways in this State or other similar operations.

SECTION 2. Every distributor, user, storer or operator selling, storing or using motor fuels as herein defined for the operation of motor vehicles over the highways of this State shall pay, except as herein otherwise provided, an excise tax of six cents (\$.06) per gallon upon such selling, distributing, withdrawal from storage in this State, or using in this State motor fuels as herein defined, provided, however, that where the excise tax herein levied shall have been paid by one distributor, user, storer, or operator such payment shall be sufficient, the intention being that the tax shall be paid but once.

SECTION 3. The excise tax imposed by Section 2 hereof shall apply to persons defined in this Act storing motor fuels as herein defined and distributing same for use in the operation of motor vehicles on the highways of this State, or allowing same to be withdrawn from storage for sale or use in the operation of motor vehicles on such highways; provided that sellers of motor fuels as herein defined paying the tax herein levied may pay the same as hereinafter required on the basis of their sales, and users, storers, or operators shall pay the tax computed on the basis of their withdrawals from storage provided such sales or withdrawals from storage are for the purpose of operating motor vehicles over the highways of this State. Withdrawals for sale in or delivery into another State and sales to the United States shall not constitute taxable transactions under the provisions of this Act nor shall transfer of motor fuels as herein defined from one place of storage to another be considered withdrawal from storage as the term is herein used.

SECTION 4. After the effective date of this Act it shall be unlawful for any person to use in the operation of a motor vehicle over the highways of this State any motor fuel as herein defined upon which the tax levied hereby has not been paid or the payment thereof assumed by a distributor, storer, user, or operator licensed by the Department of Revenue. Violation of this Section shall constitute a misdemeanor and any person convicted thereunder shall be fined not less than \$25.00 nor more than "100.00.

SECTION 5. On or before the twentieth day of each calendar month after this Act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Department of Revenue on forms prescribed by the Commissioner of Revenue a true and correct statement of total sales and withdrawals of motor fuels made by him or them during the next preceding calendar month and shall furnish the said State Department of Revenue such other information as such State Department of Revenue may demand or require upon blanks to be formulated and furnished by said Commissioner and at the time of making such monthly report shall pay to the State Department of Revenue an amount of money equal to the excise tax as herein levied, provided such sales or withdrawals are made for use in propelling motor vehicles over the highways of this State.

SECTION 6. The monthly statement as herein required to be made by the distributor, user, storer, or operator shall be sworn to before some officer authorized to administer oaths and any fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by Section 5161 of the Code of 1923.

SECTION 7. All distributors, users, storers or operators shall keep, for not less than two years, within the State of Alabama at some certain place or office, such books, documents or other papers as will clearly show the amount of sales, distributions or other withdrawals made in this State of motor fuels as herein defined.

SECTION 8. If any distributor, user, storer or operator distributing, storing, or using motor fuels, as herein defined, in this State, covered by the provisions of this Act, shall fail to make the reports or any of them, to the State Department of Revenue as herein required, or shall fail to keep the records as herein required, such distributor, user, storer or operator shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00), nor more than Three Hundred Dollars (\$300.00) for such offense. Each month of such failure shall constitute a separate offense.

SECTION 9. In the administration of this Act the State Department of Revenue shall permit the sale of motor fuels as herein defined without liability on the part of the distributor for the tax herein levied when such sales are made to a licensed user, distributor, storer, or operator, who has obtained a permit from the Commissioner of Revenue to make such purchases less the said tax and assume full liability therefor.

SECTION 10. The State Department of Revenue shall issue to applicants therefor permits to purchase, store, or use motor fuels as herein defined for purposes other than the operation of motor vehicles on the highways of this State without liability for the tax

levied in Section 2 hereof, any any distributor selling or distributing motor fuels as herein defined to the holder of such a permit shall not be liable for any tax upon such sale or distribution to such holder, it being the intent of this Act that the said tax shall be imposed only where motor fuels as herein defined are used in the operation of motor vehicles on the highways of this State. An applicant for a permit under section 10 shall satisfy the Department of Revenue that such motor fuels will not be used in the operation of motor vehicles on the highways of this State.

SECTION 11. If any person covered by the provisions of this Act shall fail to make the monthly returns prescribed herein and pay the excise tax hereby laid on or before the 20th day of the calendar month following the sale, distribution or withdrawal, the State Department of Revenue shall make return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty for failure to make such return and pay the tax herein laid of twenty-five percent (25%) of the tax due to the amount as assessed by the Commissioner of Revenue. If, in the opinion of the State Department of Revenue a good and sufficient cause is shown for such delinquency, the Commissioner of Revenue may remit the penalty, otherwise the tax and penalty shall be paid.

SECTION 12. The forms for all statements and reports required under the provisions of this Act shall be prescribed and furnished by the State Department of Revenue and the cost of the enforcement of this Act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Comptroller upon a voucher of the Commissioner of Revenue and approved by the Governor.

SECTION 13. Funds derived from the tax herein levied less the cost of administering this Act shall be covered into the State Treasury to the credit of the State Highway Department to be used exclusively for the purpose of paving public highways in this State; provided however, that such funds may be used to pay interest and retirement of such obligations as the State Highway Department may hereafter incur in financing paving projects in this State, or in matching Federal or County funds appropriated for paving highway projects in Alabama.

SECTION 14. Before any person engages in the sale, use, or withdrawal of motor fuels as herein defined for the operation of motor vehicles on the highways of this State, notice shall be given by such person to the State Department of Revenue and bond posted for such sum as the Commissioner of Revenue may fix securing the payment of the tax hereby levied, said bond to guarantee the prompt payment of all tax accruing hereunder and to guarantee such other reasonable conditions as the Commissioner

of Revenue may require, to the end that evasions of the tax imposed hereby may be prevented; provided, however, that this Section shall not be construed to require a separate bond by persons bonded as provided in Act Number 55 of the Legislature of Alabama, approved October 5, 1932.

SECTION 15. Within five (5) days after the State Department of Revenue shall adjudge distributor, user, storer, or operator as herein defined delinquent, such delinquent shall be notified by the Department of Revenue by registered mail to appear before the Commission of Revenue and show cause, if any, why execution should not issue against the bond and property of such delinquent to satisfy the amount of the tax and penalties due the State. If no showing is made within ten (10) days after notice is mailed, or if such showing is not satisfactory to the State Department of Revenue, execution may be issued by the State Department of Revenue for collection of such tax and penalties directed to any Sheriff of the State of Alabama, who shall proceed under such execution in the manner now provided by law under the executions issued from courts of record, and shall make return of such executions to the State Department of Revenue within thirty days of the issuance thereof. The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such tax and penalties shall be a lien against all the property in this State of the person charged therewith superior to all other liens except tax liens to the State antecedent in date.

SECTION 16. In the enforcement of collection of taxes and penalties imposed by the terms of this Act, the Sheriff to whom an execution is issued by the State Department of Revenue shall first levy upon all the property of the person against whom the tax is levied, and then make formal demand upon the bonding company for payment to the amount of the bond. If such sum as may be collected from the bonding company is insufficient, then in that event the Sheriff shall proceed to sell the property so levied upon, and apply the proceeds first to the payment of the balance due on the excise taxes and cost involved in making such levy and sales, the residue to be paid over to the person against whom the execution is issued.

SECTION 17. The State Department of Revenue is hereby authorized to prepare a claim against any distributor, user, storer, or operator adjudged delinquent in payment of the excise taxes herein levied and have such claim recorded in the office of the Judge of Probate of the County in which such person is doing business, or in the County where such person maintains his or their main place of business. Said claims shall be in the form of a decree by the State Department of Revenue and shall set forth the amount

of tax due by the person adjudged delinquent, and the penalty imposed thereon. When such claim shall have been paid the State Department of Revenue shall write or cause to be written on such record the word "satisfied."

SECTION 18. Any distributor, user, storer, or operator who shall violate any of the provisions of this Act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by the Circuit Solicitor of the State, or any attorney employed by the State Department of Revenue with the approval of the Governor and Attorney General from distributing, using or withdrawing from storage any motor fuel as herein defined, the sale or withdrawal of which is taxable under this Act, until such person shall have complied with the provisions of this Act.

SECTION 19. Should any section, clause, paragraph, line, sentence or part of this Act be declared unconstitutional, it shall not invalidate the remaining sections of parts thereof, the Legislature hereby declaring that it would have passed the remainder of said Act irrespective of such invalid clause, paragraph, line, sentence or part.

SECTION 20. Nothing in this Act shall be construed as authorizing the Commissioner of Revenue to collect an excise tax of 6c per gallon on fuel oil, crude oil, diesel oil, tractor fuel or distillate heretofore sold in this State except where these commodities or any one of them were used as motor fuel to operate motor vehicles over the highways of this State. The purpose of this Section is to ratify departmental rulings heretofore made by the Alabama State Tax Commission and the Department of Revenue to the effect that petroleum products commonly used for lighting, heating or industrial purposes, including the operation of farm machinery on the farm, was not subject to the Alabama excise tax except where such commodities were used as a substitute for gasoline in the operation of motor vehicles on the highways of this State.

SECTION 21. All laws and parts of laws general, local, or special, in conflict with the provisions of this Act are hereby expressly repealed, provided, however, that nothing in this Act shall be construed to impose a tax of six cents (\$0.06) a gallon on those products known commercially as "kerosene," "fuel oil", or "crude oil" commonly used for lighting, heating, industrial or agricultural purpose, except where such products are used as motor fuel to operate motor vehicles over the highways of this State.

SECTION 22. This Act shall take effect upon its approval by the Governor, provided that no tax shall accrue hereunder prior to October 1, 1939.

Mr. Tucker offered the following substitute for the substitute reported by the Standing Committee on Ways and Means for the bill, H. 392.

Substitute for Committee Substitute for H. 392:

A BILL

To be entitled An Act to impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to generally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

Be it enacted by the Legislature of Alabama:

Section 1. As used in this act, the term "motor fuel" shall include "diesel oil", "tractor fuel", "gas oil", "distillate" or "liquified gas" when sold, distributed, stored or withdrawn from storage in this State for use in the operation of any motor vehicle upon the public highways of this State. The word "person" shall include individuals, persons, corporations, co-partnerships, companies, counties, municipal corporations, school boards or agencies of the State or other agencies, associations, incorporated or otherwise, singular or plural. The term "distributor" as used in this act shall include any person who engages in the sale or distribution of motor fuel as herein defined at wholesale or retail within this State. The term "storer" as herein used shall include any person who manufactures or received motor fuel as herein defined, stores same in any manner, and withdraws same.

Section 2. Every distributor or storer as herein defined of motor fuel as herein defined for the operation of motor vehicles upon the highways of this State shall pay, except as herein otherwise provided, an excise tax of six cents (6c) per gallon upon the selling, distributing, storing or withdrawing from storage, in this State, of any such motor fuel; provided, however, that where the excise tax herein levied shall have been paid by one distributor or

storer, such payment shall be sufficient, the intention being that the tax shall be paid but once.

Section 3. The excise tax imposed by Section 2 hereof shall apply to persons defined in this act storing motor fuels as herein defined or distributing same for use in the operation of motor vehicles on the highways of this State or allowing same to be withdrawn from storage for sale for use in the operation of motor vehicles on such highways; provided that distributors of motor fuels as herein defined paying the tax herein levied may pay the same as hereinafter required on the basis of their sales and storers shall pay the tax computed on the basis of their withdrawals from storage provided such sales or withdrawals from storage are for the purpose of operating motor vehicles over the highways of this State. Withdrawals for sale in or delivery into another State and sales to the United States shall not constitute taxable transactions under the provisions of this Act nor shall transfer of motor fuels as herein defined from one place of storage to another be considered withdrawal from storage as the term is herein used.

Section 4. After the effective date of this act, it shall be unlawful for any person to use in the operation of a motor vehicle over the highways of this State any motor fuel as herein defined upon which the tax levied hereby has not been paid or the payment thereof assumed by a distributor or storer or user licensed by the Department of Revenue. Violation of this Section shall constitute a misdemeanor and any person convicted thereunder shall be fined not less than \$25.00 nor more than \$100.00.

Section 5. On or before the twentieth day of each calendar month after this act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Department of Revenue on forms prescribed by the Commissioner of Revenue a true and correct statement of total sales and withdrawals of motor fuels made by him or them during the next preceding calendar month and shall furnish the said State Department of Revenue such other information as such State Department of Revenue may demand or require upon blanks to be formulated and furnished by said Commissioner and at the time of making such monthly report shall pay to the State Department of Revenue an amount of money equal to the excise tax as herein levied, provided such sales or withdrawals are made for use in propelling motor vehicles over the highways of this State.

Section 6. The monthly statement as herein required to be made by the distributor or storer shall be sworn to before some officer authorized to administer oaths and any fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by Section 5161 of the Code of 1923.

Section 7. All distributors or storers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or other papers as will clearly show the amount of sales, distributions, or other withdrawals made in this State of motor fuels as herein defined.

Section 8. If any distributor or storer as herein defined shall fail to make the reports or any of them to the State Department of Revenue as herein required, or shall fail to keep the records as herein required, such distributors or storers shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00), nor more than Three Hundred Dollars (\$300.00) for such offense, Each month of such failure shall constitute a separate offense.

Section 9. In the administration of this act the State Department of Revenue shall permit the sale of motor fuels as herein defined without liability on the part of the distributor for the tax herein levied when such sales are made to a licensed user, distributor or storer who has obtained a permit from the Commissioner of Revenue to make such purchases less the said tax and assume full liability therefor.

Section 10. Subject to rules and regulations promulgated by the State Department of Revenue, it shall issue to applicants therefor permits to purchase, store, or use motor fuels as herein defined for purposes other than the operation of motor vehicles on the highways of this State without liability for the tax levied in Section 2 hereof, and any distributor selling or distributing motor fuels as herein defined to the holder of such a permit shall not be liable for the excise tax herein levied upon such sale or distribution to such holder, it being the intent of this act that the said tax shall be imposed only where motor fuels as herein defined are used in the operation of motor vehicles on the highways of this State. An applicant for a permit under this Section 10 shall satisfy the Department of Revenue that such motor fuels will not be used in the operation of motor vehicles on the highways of this State.

Section 11. If any person covered by the provisions of this act shall fail to make the monthly returns prescribed herein and pay the excise tax hereby laid on or before the 20th day of the calendar month following the sale, distribution or withdrawal, the State Department of Revenue shall make return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty for failure to make such return and pay the tax herein laid of twenty-five percent (25%) of the tax due to the amount as assessed by the Commissioner of Revenue. If, in the opinion of the State Department of Revenue, a good and sufficient cause is shown for such delinquency, the Commissioner of

Revenue may remit the penalty, otherwise the tax and penalty shall be paid.

Section 12. The forms for all statements and reports required under the provisions of this act shall be prescribed and furnished by the State Department of Revenue and the cost of the enforcement of this act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Comptroller upon a voucher of the Commissioner of Revenue and approved by the Governor.

Section 13. The proceeds of the excise tax herein imposed when collected, less the cost of administering this act, shall be covered into the State Treasury to the credit of the State Highway Department for use exclusively in the construction, repair, maintenance and operation of public roads and bridges of this State, including any toll road or toll bridge constructed by said Department or maintained and operated by or under the supervision of said Department.

Section 14. Before any person engages in the sale or withdrawal of motor fuels as herein defined for the operation of motor vehicles on the highways of this State, notice shall be given by such person to the State Department of Revenue and bond posted for such sum as the Commissioner of Revenue may fix securing the payment of the tax hereby levied, said bond to guarantee the prompt payment of all tax accruing hereunder and to include such other reasonable conditions as the Commissioner of Revenue may require to the end that evasions of the tax imposed hereby may be prevented; provided, however, that this Section shall not be construed to require a separate bond by persons bonded as provided in Act Number 55 of the Legislature of Alabama, approved October 5, 1932.

Section 15. Within five (5) days after the State Department of Revenue shall adjudge distributor or storer as herein defined delinquent, such delinquent shall be notified by the Department of Revenue by registered mail to appear before the Commissioner of Revenue and show cause, if any, why execution should not issue against the bond and property of such delinquent to satisfy the amount of the tax and penalties due the State. If no showing is made within ten (10) days after notice is mailed, or if such showing is not satisfactory to the State Department of Revenue, execution may be issued by the State Department of Revenue for collection of such tax and penalties directed to any Sheriff of the State of Alabama, who shall proceed under such execution in the manner now provided by law under the executions issued from courts of record, and shall make return of such executions to the State Department of Revenue within thirty days of the issuance thereof. The tax and all penalties herein provided for shall be held

as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such tax and penalties shall be a lien against all the property in this State of the person charged therewith superior to all other liens except tax liens to the State antecedent in date.

Section 16. In the enforcement of collection of taxes and penalties imposed by the terms of this Act, the Sheriff to whom an execution is issued by the State Department of Revenue shall first levy upon all the property of the person against whom the tax is levied, and then make formal demand upon the bonding company for payment to the amount of the bond. If such sum as may be collected from the bonding company is insufficient, then in that event the Sheriff shall proceed to sell the property so levied upon, and apply the proceeds first to the payment of the balance due on the excise taxes and cost involved in making such levy and sale, the residue to be paid over to the person against whom the execution is issued.

Section 17. The State Department of Revenue is hereby authorized to prepare a claim against any distributor or storer adjudged delinquent in payment of the excise taxes herein levied and have such claim recorded in the office of the Judge of Probate of the County in which such person is doing business or in the County where such person maintains his or their main place of business. Said claim shall be in the form of a decree by the State Department of Revenue and shall set forth the amount of tax due by the person adjudged delinquent and the penalty imposed thereon. When such claim shall have been paid, the State Department of Revenue shall write or cause to be written on such record the word "satisfied".

Section 18. Any distributor, storer or user who shall violate any of the provisions of this act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by the Circuit Solicitor of the State, or any attorney employed by the State Department of Revenue with the approval of the Governor and Attorney General from distributing, using or withdrawing from storage any motor fuel as herein defined, the sale or withdrawal of which is taxable under this act, until such person shall have complied with the provisions of this act.

Section 19. Any administrative constructions, interpretations, and rulings by the State Tax Commission or State Department of Revenue to the effect that the selling, distributing, storing, or withdrawing from storage in this State of petroleum products commonly used for lighting, heating, or industrial purposes, including the operation of farm tractors and other farm machinery otherwise than upon the public highways of this State are not subject to any excise tax under existing law, are hereby adopted, ratified, and

confirmed, it being the intention of the Legislature that no excise tax shall be applicable to such products not actually used for the operation of motor vehicles upon the public highways of this State. The State Department of Revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations with respect to the administration and enforcement of the provisions of this act; provided, however, such rules and regulations shall not conflict with any specific provisions of this act.

Section 20. The selling, distribution, storing, or withdrawing from storage in this State of any diesel oil, tractor fuel, gas oil, distillate, or liquified gas for uses other than the actual operation of motor vehicles on the public highways of this State are not and shall not be subject to the excise tax of six cents (6c) per gallon levied under the provisions of this or any other existing law of this State and the selling, distribution, storing, or withdrawing from storage in this State of diesel oil, tractor fuel, gas oil, distillate, or liquified gas for use in the actual operation of motor vehicles on the public highways of this State are subject to the excise tax imposed by this act.

Section 21. Should any section, clause, paragraph, line, sentence or part of this act be declared unconstitutional, it shall not invalidate the remaining sections or parts thereof, the Legislature hereby declaring that it would have passed the remainder of said act irrespective of such invalid clause, paragraph, line, sentence or part.

Section 22. All laws or parts of laws inconsistent with or in conflict with the provisions of this act are to the extent of any such inconsistency or conflict hereby modified and repealed, it being the intention of the Legislature that to the extent of any such inconsistency or conflict the provisions of this act shall be controlling; provided, however, that nothing in this act shall be held to impose a tax on those products known commercially as "kerosene oil", "fuel oil", or "crude oil" commonly used for lighting, heating or industrial purposes.

Section 23. This act shall take effect upon its approval by the Governor, provided that no tax shall accrue hereunder prior to October 1, 1939.

And the substitute offered by Mr. Tucker for the substitute reported by the Standing Committee on Ways and Means for the bill, H. 392, was adopted.

And the substitute reported by the Standing Committee on Ways and Means for the bill, H. 392, as amended by the substitute offered by Mr. Tucker was adopted.

Yeas, 66; Nays, 1.

Yeas:

Mr. Speaker	Cobb	Jones	Payne
Allen	Collier	Kaul	Pitts
Austin	Cope	Langan	Quarles
Bagley	Dearman	Langley	Robertson (Cullman)
Barchard	Delony	Lovelace	Sadler
Barnes	Devers	Martin	Sanderson
Beck	Dobbs	Mathews (Clarke)	Segrest
Booth	Dominick	Mathews (Jackson)	Sightler
Boswell	Doster	Miller	Taylor
Branyon	Flowers	McCord	Tidmore
Brown (Covington)	Garrett	McGowin	Tucker
Brown (Lee)	Gewin	Nation	Waldrop
Carwile	Hall	Neighbors	Welch
Castleberry	Hardwick	Newman	White
Chewning	Hare	Norman (Bullock)	Wood
Christopher	Hill	Owens	Young
Clayton	Hodo		

—66

Nay: Mr. Peacock.

— 1

And said bill:

H. 392. To impose an excise tax on the use of motor fuels (other than gasoline) in this State; Providing for the collection and payment of such tax by the users of such motor fuels; And for the examination of the books and records of such users; Providing for recovery of taxes paid erroneously or taxes illegally collected; providing penalties for violations of the Act; providing for the distribution of the funds derived therefrom and providing for the use to which such funds shall be put; providing for the licensing of users of such motor fuels, and providing for the enforcement of the Act and collection of the tax imposed.

As amended, was read a third time at length and passed.

Yeas, 66; Nays, 1.

Yeas:

Mr. Speaker	Cobb	Jones	Payne
Allen	Collier	Kaul	Pitts
Austin	Cope	Langan	Quarles
Bagley	Dearman	Langley	Robertson (Cullman)
Barchard	Delony	Lovelace	Sadler
Barnes	Devers	Martin	Sanderson
Beck	Dobbs	Mathews (Clarke)	Segrest
Booth	Dominick	Mathews (Jackson)	Sightler
Boswell	Doster	Miller	Taylor
Branyon	Flowers	McCord	Tidmore
Brown (Covington)	Garrett	McGowin	Tucker
Brown (Lee)	Gewin	Nation	Waldrop
Carwile	Hall	Neighbors	Welch
Castleberry	Hardwick	Newman	White
Chewning	Hare	Norman (Bullock)	Wood
Christopher	Hill	Owens	Young
Clayton	Hodo		

—66

Nay: Mr. Peacock.

— 1

H. 717. To Amend Section 522 of The Alabama School Code Adopted by an act of the Legislature of Alabama approved August 27, 1927, as amended by an act of the Legislature of Alabama approved July 18, 1931.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Mathews (Clarke)	Sanderson
Allen	Delony	Matthews (Jackson)	Segrest
Austin	Devers	Miller	Sherrer
Barnes	Dominick	McCord	Sightler
Beck	Flowers	McDanal	Smyer
Booth	Garrett	McGowin	Spence
Branyon	Gewin	Nation	Taylor
Brown (Covington)	Hardwick	Neighbors	Tidmore
Carwile	Hare	Newman	Tucker
Castleberry	Hill	Norman (Bullock)	Waldrop
Chewning	Hodo	Peacock	Welch
Clayton	Langan	Pitts	Whigham
Cobb	Langley	Pool	White
Collier	Lovelace	Robertson (Cullman)	Wood
Cope	Martin	Sadler	Young

—60

On motion of Mr. Brown of Lee the bill, H. 717, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 771. To Amend Sections 8324, 8334, 8335, 8336 and 8337 of the Code of Alabama of 1923:

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Insurance and Insurance Companies, said committee substitute being as follows:

Insurance Committee substitute for H. 771:

A BILL

To be enacted An Act to Amend Sections 8324, 8334, 8335, 8336, and 8337 of the Code of Alabama of 1923:

Be it enacted by the Legislature of Alabama:

1. That Section 8324 of the Code of Alabama is amended to read as follows:

SECTION 8324—The Director of Commerce, with the approval of the Governor, may also appoint the following to assist him in the discharge of the duties of the Bureau of Insurance: A chief clerk, whose salary shall not exceed \$1,800.00 per annum; a license

clerk and stenographer, whose salary shall not exceed \$1,500.00 per annum; a record and filing clerk, whose salary shall not exceed \$1,200.00 per annum; the salaries of the clerks herein named to be paid as the salaries of other state officials and employees are paid. The Director of Commerce, with the approval of the Governor, may also appoint an actuary, whose salary shall not exceed \$4,800.00 per annum, and may also appoint one or more examiners or accountants, at salaries not to exceed \$3,000.00 each per annum, to assist in the examination of insurance companies, the valuation of insurance policies, and the examination of other corporations under the supervision of the Bureau of Insurance. The salaries of such actuary and the examiners or accountants, and all other expenses necessary and incident to carrying out the duties of said actuary and examiners or accountants, shall be paid as the salaries of other state officials or employees are paid, and the other said necessary expenses shall be paid as is now provided by law; provided, however, that the salaries of the said actuary and the said examiners or accountants, and all expenses incurred incident to the carrying out of their duties shall be paid out of a special fund to be set up by the State Treasurer from all funds derived from funds paid into the State Treasury by any corporation, association or society for the cost and expenses for examinations of said corporation, associations, or societies as is now provided by law for such examinations. The actuary and each such examiner or accountant shall give bond in the sum of Ten Thousand (\$10,000.00) Dollars; and the chief clerk shall give bond in the sum of Five Thousand (\$5,000.00) Dollars, each such bond to have some authorized guaranty or surety company as surety thereon, and each such bond to be approved by the Governor and filed with the Secretary of State. The premium on the bonds of the actuary and examiners or accountants shall be paid out of the said special fund hereinabove provided for, and the premium on the bond of the chief clerk hereinabove provided for the chief clerk shall be paid out of the general appropriation of the Department of Commerce.

2. That Section 8334 of the Code of Alabama is amended to read as follows:

SECTION 8334.—At least once in every three years the Superintendent of Insurance shall personally or by the actuary or such examiners or accountants as he may appoint, visit each domestic insurance company and examine its affairs, especially as to its financial condition and ability to fulfill its obligations, and to determine whether it has complied with the law. He shall also make an examination of any such company whenever he deems it prudent so to do, or upon request of five or more of the stockholders or five or more persons pecuniarily interested therein, who shall make affidavits of their beliefs, with specifications of their

reasons therefor, that such company is in an unsound condition, if in the opinion of the Superintendent of Insurance such examination is necessary.

3. That Section 8335 of the Code of Alabama is amended to read as follows:

SECTION 8335—Whenever he deems it prudent for the protection of policyholders in the State, and believes that any company authorized to do business in this State has violated any of the provisions of this Article, he shall, in like manner, visit and examine, or cause to be visited and examined by the actuary or examiners or accountants, or by examiners or accountants as he may deem necessary to appoint for that purpose, any foreign insurance company applying for admission or already authorized to do business by agent in this State.

4. That Section 8336 of the Code of Alabama is amended to read as follows:

SECTION 8336—Any domestic company examined under the provisions of this Article shall pay to the State Treasurer, upon being billed by the Bureau of Insurance of the Department of Commerce, actual railroad fare or other traveling expenses actually incurred, and in addition hotel bills and other actual and necessary expenses of the person or persons making such examination, not to exceed a maximum of eight dollars (\$8.00) per day per person for such expenses, upon demand of the Superintendent of Insurance supported by an itemized statement of such expenses incurred by each such person, duly sworn to by such person. All such remittances made by such insurance company to the office of the Superintendent of Insurance shall be covered into the State Treasury.

5. That Section 8337 of the Code of Alabama is amended to read as follows:

SECTION 8337—When the Superintendent of Insurance deems it necessary to examine any insurance company organized under the laws of any other state or country, and herein designated and called a foreign company, such examination shall be made by the Superintendent of Insurance, or the actuary, or the examiners or accountants, or by examiners or accountants as he may deem necessary to appoint. Any foreign company examined under the provisions of this Article shall pay to the office of the State Treasurer the actual railroad fare involved and in addition hotel bills and other actual and necessary expenses of the person or persons making such examination, not to exceed eight dollars (\$8.00) per day per person, upon demand of the Superintendent of Insurance supported by an itemized statement of such expenses, duly sworn to by each such person, and in addition thereto shall pay to the office of the Superintendent of Insurance a per diem of not in excess

of \$25.00 for the time actually spent by the actuary and not in excess of \$25.00 per day for each examiner or accountant appointed to assist in the making of such examination, including time necessarily spent in traveling to or from the place of such examination. All sums paid by such foreign company on account of such expenses or such per diem to the office of the Superintendent of Insurance shall be covered into the State Treasury, and the State Treasurer, upon being billed by the Bureau of Insurance of the Department of Commerce and the filing with the State Treasurer of an itemized, verified statement of expense, shall reimburse the persons incurring such expense for the actual amount thereof. In any case where the Superintendent of Insurance finds it necessary to use the services of anyone other than an officer or regular employee of the Bureau of Insurance to assist in the examination of any Company, Association or Order, either domestic or foreign, each such person so engaged shall be compensated for his services and expenses in the same manner and at the same rates as provided for regular employees of the Bureau.

6. That Section 8347 of the Code of Alabama is amended to read as follows:

SECTION 8347. The Superintendent of Insurance through his Actuary shall each year compute the net value on the thirty-first day of December of the preceding year, of all outstanding policies of life insurance in companies authorized to make insurance on lives in this state upon the basis of the "combined experience" or "actuaries" table, or the "American experience table" rate of mortality, with the interest at four per cent per annum, first year preliminary term method of valuation or upon any higher standard selected by the Insurance Company; and the aggregate net value, so ascertained, of the policies of such company, shall be deemed its liability on account of its policy obligations, other than accrued claims, to provide for which it shall hold assets of an amount equal to such net value above all other liabilities. Whenever a domestic company furnishes the Bureau of Insurance with a computation of the net value of all outstanding policies computed by its own actuary, or an actuary satisfactory to the Superintendent of Insurance, such computations shall be verified by the actuary of the Bureau of Insurance without cost to such company. In the event such computation is not prepared in a satisfactory manner by any domestic company, then the actuary of the Bureau of Insurance, as provided above, compute the net value on the thirty-first day of December of the preceding year of all outstanding policies, and such domestic company shall pay to the office of the State Treasurer the actual railroad fare involved, and in addition, hotel bills and other actual and necessary expenses of the actuary in making such valuation, not to exceed \$8.00 per day, upon demand

by the Superintendent of Insurance supported by an itemized statement of such expenses duly sworn to by the actuary and in addition thereto shall pay to the office of the Superintendent of Insurance a per diem of not in excess of \$25.00 for the time actually spent by the actuary in the making of such computations. Whenever a foreign life insurance company shall present to the Superintendent of Insurance a certificate from the Insurance Commissioner of another state, as to the value of its policies in force, the Superintendent of Insurance of this State shall be allowed to accept such valuation in lieu of his own valuation; the valuation shall be made according to the standard fixed in this section. To determine the liability upon its contracts of insurance of any insurance company other than life, the Superintendent of Insurance shall require such company to charge as the liability for reinsurance of outstanding policies fifty per cent of the premiums received on policies or risks having not more than one year to run, and a pro rata of all premiums received on policies or risks having more than one year to run, and in the case of companies doing a liability insurance an additional reserve fund shall be charged and known as "liability reserve" to an amount of not less than three hundred dollars for each suit pending against such company's policyholders, for which it may be liable in the lower court, and seven hundred dollars additional when such suit is appealed by the defendant to a higher court. The Superintendent of Insurance shall allow to the credit of an insurance company, in the account of its financial condition, on such assets as are or can be made available for the payment of losses in Alabama. He shall not allow stockholders' obligations of any description as part of the assets or capital or any insurance company unless the same are secured by collateral satisfactory to the Superintendent of Insurance.

Section 7. All laws and parts of laws in conflict herewith are hereby repealed.

Section 8. Anything in this Act to the contrary notwithstanding, all employees and officers of the Department of Commerce, including the Chiefs of Bureaus, shall be subject to the provisions of any law with respect to the method of selection and classification of State employees.

Section 9. This Act shall become effective upon its passage and approval by the Governor.

And the substitute reported by the Standing Committee on Insurance and Insurance Companies for the bill, H. 771, was adopted.

Yeas, 48; Nays, 8.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Segrest
Allen	Dominick	Miller	Sessions
Austin	Flowers	McCord	Sightler
Bagley	Garrett	McGowin	Smyer
Barnes	Hall	Neighbors	Taylor
Branyon	Hardwick	Norman (Bullock)	Tidmore
Castleberry	Hare	Owens	Tucker
Clayton	Hodo	Payne	Welch
Cobb	Kaul	Pitts	Weston
Cope	Langan	Robertson (Cullman)	Whigham
Dearman	Lovelace	Sadler	White
Delony	Martin	Scott	Wood

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Nays:

Messrs.:	Langley	Peacock	Sherrer
Beck	Newman	Phillips	Young
Davis (Madison)			

— 8

And said bill:

H. 771. To Amend Sections 8324, 8334, 8335, 8336 and 8337 of the Code of Alabama of 1923:

As amended by the substitute reported by the Standing Committee on Insurance and Insurance Companies, was read a third time at length and passed.

Yeas, 48; Nays, 8.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Segrest
Allen	Dominick	Miller	Sessions
Austin	Flowers	McCord	Sightler
Bagley	Garrett	McGowin	Smyer
Barnes	Hall	Neighbors	Taylor
Branyon	Hardwick	Norman (Bullock)	Tidmore
Castleberry	Hare	Owens	Tucker
Clayton	Hodo	Payne	Welch
Cobb	Kaul	Pitts	Weston
Cope	Langan	Robertson (Cullman)	Whigham
Dearman	Lovelace	Sadler	White
Delony	Martin	Scott	Wood

—48

Nays:

Messrs.:	Langley	Peacock	Sherrer
Beck	Newman	Phillips	Young
Davis (Madison)			

— 8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 223. To amend an Act entitled, "An act to provide for State Planning of all public works approved September 9, 1935, and for state planning and uses of land which are to be constructed or acquired with State funds or located, constructed or authorized by the State; all local improvements which under the statutes are required to be submitted to State authorities, also all projects of state magnitude even though the constructing and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities and to authorize the Legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provisions of this Act", and to further authorize the State Planning Commission to set up and operate an advertising, travel, information, tourist and industrial development division and to authorize the Director of State Planning Commission, with the consent of the Governor to execute contracts and provide funds to defray the expense of the State Planning Commission.

And Senators Harrison, Booth and Stakely were appointed as conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 591. To divide Lawrence County, Alabama, into Four Districts; to define the boundary lines thereof by showing the beats comprising such Districts; and to provide for the election of members of the Board of Revenue, or other governing body for said County from each of such districts by the qualified electors of said Districts;

Also:

H. 700. Authorizing the County Governing Body of Cherokee County, Alabama, to levy and collect a 1c gasoline tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows:

Also:

H. 701. To authorize and direct the Court of County Commissioners, or otherwise designated Governing Body of Cherokee

County, Alabama, to Pay for Advertising the Notice and substance of Local Bills to be introduced in the Legislature for said County, out of any money in the treasury not otherwise appropriated when the bill applies to the entire County and the Notice is signed by a Cherokee County Representative or the State Senator from the Twenty-Ninth Senatorial District, and this Act shall apply to and include the notice and substance of bills advertised during the present session of the Legislature.

Also:

H. 785. To Repeal an Act Entitled "To Provide For the Employment of not exceeding three road patrolmen for Mobile County by the sheriff; to define their duties and to vest in such patrolmen the authority and duties of deputy sheriffs; to fix their compensation and to provide for the payment of same out of the general funds of the County as the salaries of other County employees are paid; to provide that such patrolmen shall hold office at the will of the sheriff appointing them but not beyond the expiration of his term; To provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the sheriff for the use of the Patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair". Approved October 12, 1932.

Also:

H. 786. To repeal an act entitled "An Act to provide for the employment discharge and compensation of road patrolmen in all counties of the State having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties:"

Also:

H. 684. To provide for the employment of counsel for persons indicted for a crime, the maximum penalty for which under the law, is death, when such indicted person is without counsel and is unable to employ counsel; in cases arising in judicial circuits of this State, which circuits are composed of only one County, and have more than one but less than three judges, or which circuits may hereafter be composed of only one County and have more than one but less than three judges; to provide the amount to be paid such counsel; the method of making said payments to the appointed counsel out of the County Treasury, and to prescribe

the method of procedure to be followed by the presiding judge in making the appointment of said counsel.

Also:

H. 403. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Colbert County, Alabama.

Also:

H. 526. To allow the Sheriff of Marion County an additional deputy sheriff; to provide the manner and method of his appointment and to fix his salary and make it payable out of the General Fund of the county in equal monthly installments; to prescribe his duties and powers and to provide for his assignment by the Sheriff primarily in certain precincts in Marion County.

Also:

H. 527. To authorize, empower and require the County Board of Education of Marion County, Alabama, to pay out of the school funds of Marion County the expenses incurred by the County Superintendent of Education of Marion County in the discharge of his official duties for postoffice box rent, telegrams and local and long distance telephone service and tolls.

Also:

H. 592. To alter and re-arrange the boundaries of the Town of Winfield.

Also:

H. 719. To authorize the employment by the Board of Revenue of Lowndes County, Alabama, of clerical assistance to the Judge of Probate of said Lowndes County, Alabama, and to provide for the compensation of such employees

Also:

H. 776. To provide that all official offices in the Court House of Lauderdale County, Alabama may close at noon on one day in each week during the year; to provide the fixing of the day for closing and notice thereof.

Also:

H. 778. To alter and re-arrange the boundaries of the Town of Boston.

Also:

H. 794. To authorize the governing body of DeKalb County, Alabama to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from

storage, for any purpose whatever gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Also:

H. 544. To require the Walker County Board of Education to assume and pay the fifty-five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937, which bonds were issued under Ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 726. To require the Walker County Board of Education to assume and pay the balance due on the principal amount of \$5,500, first deducting \$3,000, evidenced by the issuance of 220 bonds for the principal amount of \$25.00 each, known as Town of Oakman Public School House Refunding Bonds, each bearing date of July 1st, 1932, which bonds were issued under ordinance adopted by the Town of Oakman, Alabama, on June 20, 1932 and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 727. To require the Walker County Board of Education to assume and pay the thirty-eight bonds in the sum of \$250.00 each, issued by the Town of Parrish, Alabama, under date of September 1, 1937, which bonds were issued under ordinance adopted by the Town of Parrish on August 16, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 777. To amend Section 23 of an Act, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries public with the power of the Justices of the Peace in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof", approved April 4, 1911, as amended by Local Acts of the Legislature of Alabama, approved July 27, 1923, March 2, 1931 and October 25, 1932.

Also:

H. 625. To alter and extend the corporate limits of the Town of Brundidge, Pike County, Alabama, and rearrange and define the boundaries thereof:

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:45 P.M. on August 29, 1939:

H. 787.

H. 788.

R. T. Goodwyn, Jr.,
Clerk.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:45 P.M. on August 29, 1939:

H. 567.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Sherrer, the House, in accordance with a House joint resolution, heretofore adopted, adjourned until Thursday August 31st, 1939, at 9:00 o'clock A.M.

FORTY-THIRD DAY

House of Representatives,
Montgomery, Alabama,

Thursday, August 31st, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Collier of the House.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Dobbs	Martin	Scott
Allen	Dominick	Mathews (Clarke)	Segrest
Austin	Doster	Matthews (Jackson)	Sessions
Bagley	Ellis	Mayhall	Sherrer
Ball	Flowers	Miller	Sightler
Barchard	Garrett	McCord	Smyer
Barnes	Gewin	McDanal	Snyder
Beck	Golson	McGowin	Spence
Booth	Graham	Nation	Stallings
Boswell	Graves	Neighbors	Stone
Branyon	Green	Newman	Taylor
Brown (Covington)	Gwin	Norman (Bullock)	Thomas
Brown (Lee)	Hall	Norman (Lowndes)	Tidmore
Carwile	Hardwick	Owens	Toomer
Castleberry	Hare	Payne	Tucker
Chewning	Haynes	Peacock	Walden
Christopher	Henson	Petrey	Waldrop
Clayton	Hill	Phillips	Wallace
Cobb	Hodo	Pitts	Waller
Collier	Jenkins	Pool	Welch
Cook	Jones	Quarles	Weston
Cope	Kaul	Robertson (Cullman)	Whigham
Davis (Madison)	Langan	Robinson (Lowndes)	White
Dearman	Langley	Robinson (St. Clair)	Wood
Delony	Locke	Sadler	Wright
Devers	Lovell	Sanderson	Young

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A quorum was present.

LEAVE OF ABSENCE

Was granted to Mr. Megginson on account of illness.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the forty-second legislative day, and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-second legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the forty-second legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to generally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

Also:

H. 771. To Amend Sections 8324, 8334, 8335, 8336 and 8337 of the Code of Alabama of 1923:

Also:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 854. A bill to be entitled An Act To propose and submit to the qualified electors of the State of Alabama, at an election to be held on the first general election held after the expiration of three months after the final adjournment of this present session of the Legislature an amendment to the Constitution of Alabama affecting the State Militia, repealing certain provisions of the existing Constitution of Alabama and providing for a State Military Department to administer all affairs of the State Militia, for the selection, nomination, appointment, and removal of officers of the federally recognized National Guard of Alabama, including the Adjutant General and officers of the State Military Department, and for a State Military Advisory Board.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election shall be the first general election held after the expiration of three months after the final adjournment of this present Session of the Legislature. The proposed amendment is as follows:

"STATE MILITIA

"Section 1. For the purpose of promoting the military proficiency and effectiveness of the armed forces of this State, all officers, including general officers, of the Federally recognized National Guard, including The Adjutant General and all officers of the State Military Department, shall be appointed, and after the adoption of this amendment shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of their individual military proficiency, character, and service, as determined according to military or naval regulations and usages sanctioned by the law of this State and of the United States and not inconsistent with the provisions and spirit of this Amendment. The qualifications of such officers of the active Federally recognized National Guard shall be prescribed in military regulations promulgated in accordance with specifications of the United States War Department under authority of Federal laws affecting the National Guard; provided that all general officers of the line of

the Federally recognized National Guard and The Adjutant General shall have had at least six years service as commissioned officers in the Federally recognized active National Guard at the time of their recommendation and appointment as herein provided, and shall be members of the National Guard at the time of their recommendation and appointment, and that officers of the State Military Department and State Staff hereafter appointed (except when commissioned in the Medical Corps) shall have served at least three years in the Federally recognized National Guard and be members thereof at the time of their appointment, and they shall have military and civil education, training, and experience particularly fitting them for the positions to which they are assigned.

"Section 2. All officers of the Federally recognized National Guard shall be commissioned by the Governor, as Commander-in-Chief of the Militia, upon nominations made as herein provided. General officers and regimental and battalion or squadron commanders shall have the right to select and nominate qualified officers to fill vacancies occurring on their respective staffs in the Federally recognized National Guard. The Adjutant General shall select and nominate suitable and qualified officers to fill vacancies occurring on the State Staff and the Alabama portion of staffs of commanders who are not members of the National Guard of this State. All general officers of the line of the Federally recognized National Guard and The Adjutant General, who may be commissioned a general officer, shall be appointed by the Governor, with the consent of the Senate, subject to the following conditions and limitations: Whenever there occurs a vacancy for any such officer, The Adjutant General (or the Governor if there be no Adjutant General) shall, within thirty days after the occurrence of the vacancy, cause to be held within thirty days thereafter a meeting of the State Military Advisory Board, provided for in Section 4 of this Amendment, and if such meeting is not called within the prescribed time by such officer, the ranking member of said Board shall do so. Said State Military Advisory Board when so convened shall, by a majority vote, recommend to the Governor within thirty days a list of one or more persons considered by them to be qualified as to education, professional training and ability, character, experience, and general ability for the office to be filled, and the Governor shall within thirty days thereafter fill such vacancy by appointment from among the persons so recommended, and, if the Governor fail or refuse to make such appointment within the prescribed time, The Adjutant General (or the Chief Justice of the Supreme Court, if there be no Adjutant General or such officer fails or refuses to act within another thirty days) shall make such appointment from such list of recommended persons, and any such appointment made by any of such officers shall be subject to con-

firmation by the Senate; provided that where the appointment of a general officer, other than The Adjutant General, requires the consent or concurrence of another State Government, the Governor shall not be bound by the time limits prescribed for making the actual appointment. Any person appointed to be The Adjutant General or a general officer at a time when the Senate is not in session shall hold and exercise such office until the Senate next convenes, when his appointment must be immediately submitted by the officer making the appointment to the Senate for confirmation. Commanding officers of regiments and separate battalions or squadrons shall be selected and nominated by The Adjutant General from among persons on the State Register of Eligibles for an appropriate grade and branch with the concurrence of the State Military Advisory Board. Nominations of officers to fill vacancies in the Federally recognized National Guard not otherwise provided for in this amendment shall be made by boards composed of The Adjutant General and all higher tactical commanders of the unit involved from persons on the State Register of Eligibles for an appropriate grade and branch.

"Section 3. Commissions and appointments of officers of the Federally recognized National Guard, The Adjutant General, and officers of the State Military Department, shall be vacated or suspended only in the following manners: by resignation; by compulsory retirement at a definite maximum age, or voluntary retirement, as provided by statutes consistent with this amendment and requirements of the United States Government; by sentence of a court-martial; by suspension, discharge, or retirement for cause upon the recommendations of an Efficiency Board of three superior officers, in cases of officers other than The Adjutant General or general officers, because of neglect of duty or moral or professional unfitness for further service as a commissioned officer, the accused officer having the right to appear before such board, present evidence, and appeal to higher military authority; upon withdrawal of Federal recognition; upon failure to comply with Federal regulations for continuance of Federal recognition; upon conviction of a felony; and because of physical unfitness, upon the recommendation of one or more medical officers of the National Guard or some other component of the United States Army. The Adjutant General and general officers of the Federally recognized National Guard shall be subject to impeachment in the manner prescribed for the impeachment of the Attorney General of the State and for the same reasons; they may also be removed from office by the Governor upon the recommendation and with the concurrence of the State Military Advisory Board because of neglect of duty or moral or professional unfitness for further service as such officers upon written charges proffered by the Governor or a member of

such Board. In the event of a National mobilization, war, or emergency during which The Adjutant General is ordered, called, drafted, or serves in the Federal service, the Governor may appoint, with the consent of the Senate, a temporary The Adjutant General without regard to the method of selection prescribed in this amendment who shall serve until The Adjutant General is released from Federal service, after which time the latter shall again assume his office; no permanent The Adjutant General shall be appointed during the time that the Federally recognized National Guard of Alabama shall be in the Federal service.

"Section 4. There shall be a State Military Advisory Board composed of all active general officers of the line of the Federally recognized National Guard, The Adjutant General, the ranking Judge Advocate General, and the ranking active line officer of each combatant arm of the service represented in the organized National Guard of Alabama. Such Board shall have such duties as are imposed upon it by law, in addition to its duties as provided for in this amendment.

"Section 5. All affairs of the State Militia shall be conducted by a State Military Department, of which The Adjutant General shall be the head, and the officers and employees of such department shall be appointed by The Adjutant General, so far as consistent with Federal laws and regulations pertaining thereto; provided that nothing contained herein shall prevent the application of a merit or civil service system in such department in so far as it does not conflict with the provisions of this amendment.

"Section 6. The provisions of this amendment shall become effective immediately upon the adoption of this amendment, and all of said provisions shall be self-executing. Nothing in this amendment shall be construed as requiring the removal of any officer mentioned therein who is holding office at the time of its adoption. Any provision of the existing Constitution inconsistent with any provision of this Amendment is hereby repealed."

Section 2. That notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed amendment, the qualified electors of the State shall vote on said proposed amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"STATE MILITIA

"Section 1. For the purpose of promoting the military proficiency and effectiveness of the armed forces of this state, all officers, including general officers, of the Federally recognized National Guard, including The Adjutant General and all officers of the State Military Department, shall be appointed, and after the adoption of this amendment shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of their individual military proficiency, character, and service, as determined according to military or naval regulations and usages sanctioned by the law of this State and of the United States and inconsistent with the provisions and spirit of this Amendment. The qualifications of such officers of the active Federally recognized National Guard shall be prescribed in military regulations promulgated in accordance with specifications of the United States War Department under authority of Federal laws affecting the National Guard; provided that all general officers of the line of the Federally recognized National Guard and The Adjutant General shall have had at least six years service as commissioned officers in the Federally recognized active National Guard at the time of their recommendation and appointment as herein provided, and shall be members of the National Guard at the time of their recommendation and appointment, and that officers of the State Military Department and State Staff hereafter appointed (except when commissioned in the Medical Corps) shall have served at least three years in the Federally recognized National Guard and be members thereof at the time of their appointment, and they shall have military and civil education, training, and experience particularly fitting them for the positions to which they are assigned.

"Section 2. All officers of the Federally recognized National Guard shall be commissioned by the Governor, as Commander-in-Chief of the Militia, upon nominations made as herein provided. General officers and regimental and battalion or squadron commanders shall have the right to select and nominate qualified officers to fill vacancies occurring on their respective staffs in the Federally recognized National Guard. The Adjutant General shall select and nominate suitable and qualified officers to fill vacancies occurring on the State Staff and the Alabama portion of Staffs of Commanders who are not members of the National Guard of this State. All general officers of the line of the Federally recognized National Guard and The Adjutant General, who may be commissioned a general officer, shall be appointed by the Governor, with the consent of the Senate, subject to the following conditions and limitations: Whenever there occurs a vacancy for any such officer, The Adjutant General (or the Governor if there be no Adjutant Gen-

eral) shall, within thirty days after the occurrence of the vacancy, cause to be held within thirty days thereafter a meeting of the State Military Advisory Board, provided for in Section 4 of this Amendment, and if such meeting is not called within the prescribed time by such officer, the ranking member of said Board shall do so. Said State Military Advisory Board when so convened shall, by a majority vote, recommend to the Governor within thirty days a list of one or more persons considered by them to be qualified as to education, professional training and ability, character, experience, and general ability for the office to be filled, and the Governor shall within thirty days thereafter fill such vacancy by appointment from among the persons so recommended, and, if the Governor fail or refuse to make such appointment within the prescribed time, The Adjutant General (or the Chief Justice of the Supreme Court, if there be no Adjutant General or such officer fails or refuses to act within another thirty days) shall make such appointment from such list of recommended persons, and any such appointment made by any of such officers shall be subject to confirmation by the Senate; provided that where the appointment of a general officer, other than The Adjutant General, requires the consent or concurrence of another State Government, the Governor shall not be bound by the time limits prescribed for making the actual appointment. Any person appointed to be The Adjutant General or a general officer at a time when the Senate is not in session shall hold and exercise such office until the Senate next convenes, when his appointment must be immediately submitted by the officer making the appointment to the Senate for confirmation. Commanding officers of regiments and separate battalions or squadrons shall be selected and nominated by The Adjutant General from among persons on the State Register of Eligibles for an appropriate grade and branch with the concurrence of the State Military Board. Nominations of officers to fill vacancies in the Federally recognized National Guard not otherwise provided for in this amendment shall be made by boards composed of the Adjutant General and all higher tactical commanders of the unit involved from persons on the State Register of Eligibles for an appropriate grade and branch.

"Section 3. Commissions and appointments of officers of the Federally recognized National Guard, The Adjutant General, and officers of the State Military Department, shall be vacated or suspended only in the following manners: by resignation; by compulsory retirement at a definite maximum age, or voluntary retirement, as provided by statutes consistent with this amendment and requirements of the United States Government; by sentence of a court-martial; by suspension, discharge, or retirement for cause upon the recommendations of an Efficiency Board of three superior

officers, in cases of officers other than The Adjutant General or general officers, because of neglect of duty or moral or professional unfitness for further service as a commissioned officer, the accused officer having the right to appear before such board, present evidence, and appeal to higher military authority; upon withdrawal of Federal recognition; upon failure to comply with Federal regulations for continuance of Federal recognition; upon conviction of a felony; and because of physical unfitness, upon the recommendation of one or more medical officers of the National Guard or some other component of the United States Army. The Adjutant General and general officers of the Federally recognized National Guard shall be subject to impeachment in the manner prescribed for the impeachment of the Attorney General of the State and for the same reasons; they may also be removed from office by the Governor upon the recommendation and with the concurrence of the State Military Advisory Board because of neglect of duty or moral or professional unfitness for further service as such officers upon written charges proffered by the Governor or a member of such Board. In the event of a National mobilization, war, or emergency during which The Adjutant General is ordered, called, drafted, or serves in the Federal service, the Governor may appoint, with the consent of the Senate, a temporary The Adjutant General without regard to the method of selection prescribed in this amendment who shall serve until The Adjutant General is released from Federal service, after which time the latter shall again assume his office; no permanent The Adjutant General shall be appointed during the time that the Federally recognized National Guard of Alabama shall be in the Federal service.

"Section 4. There shall be a State Military Advisory Board composed of all active general officers of the line of the Federally recognized National Guard, The Adjutant General, the ranking Judge Advocate General, and the ranking active line officer of each combatant arm of the service represented in the organized National Guard of Alabama. Such Board shall have such duties as are imposed upon it by law, in addition to its duties as provided for in this amendment.

"Section 5. All affairs of the State Militia shall be conducted by a State Military Department, of which The Adjutant General shall be the head, and the officers and employees of such department shall be appointed by The Adjutant General, so far as consistent with Federal laws and regulations pertaining thereto; provided that nothing contained herein shall prevent the application of a merit or civil service system in such department in so far as it does not conflict with the provisions of this amendment.

"Section 6. The provisions of this amendment shall become effective immediately upon the adoption of this amendment, and

all of said provisions shall be self-executing. Nothing in this amendment shall be construed as requiring the removal of any officer mentioned therein who is holding office at the time of its adoption. Any provision of the existing Constitution inconsistent with any provision of this Amendment is hereby repealed. "Yes

_____. No _____." The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments to the constitution.

Section 5. The votes cast at said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills were concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

In accordance with a Senate resolution heretofore adopted the Senate requests the House to return to the Senate for further consideration

H. 321. To amend Section 161 of An Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935

Together with the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to said bill.

And:

H. 322. To amend Section 22 of an act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935

Together with the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to said bill.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Gewin, the House acceded to the request of the Senate for the return of H. 321 and H. 322, and said bills were by the House returned to the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled bills reports that it has examined the following House bills:

H. 403. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Colbert County, Alabama.

Also:

H. 526. To allow the Sheriff of Marion County an additional deputy sheriff; to provide the manner and method of his appointment and to fix his salary and make it payable out of the General Fund of the county in equal monthly installments; to prescribe his duties and powers and to provide for his assignment by the Sheriff primarily in certain precincts in Marion County.

Also:

H. 527. To authorize, empower and require the County Board of Education of Marion County, Alabama, to pay out of the school funds of Marion County the expenses incurred by the County Superintendent of Education of Marion County in the discharge of his official duties for postoffice box rent, telegrams and local and long distance telephone service and tolls.

Also:

H. 544. To require the Walker County Board of Education to assume and pay the fifty-five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937, which bonds were issued under Ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 591. To divide Lawrence County, Alabama, into Four Districts; to define the boundary lines thereof by showing the beats comprising such Districts; and to provide for the election of members of the Board of Revenue, or other governing body for said County from each of such districts by the qualified electors of said Districts;

Also:

H. 592. To alter and re-arrange the boundaries of the Town of Winfield.

Also:

H. 625. To alter and extend the corporate limits of the Town of Brundidge, Pike County, Alabama, and rearrange and define the boundaries thereof:

Also:

H. 684. To provide for the employment of counsel for persons indicted for a crime, the maximum penalty for which under the law, is death, when such indicted person is without counsel and is unable to employ counsel; in cases arising in judicial circuits of this State, which circuits are composed of only one County, and have more than one but less than three judges, or which circuits may hereafter be composed of only one County and have more than one but less than three judges; to provide the amount to be paid said counsel; the method of making said payments to the appointed counsel out of the County Treasury, and to prescribe the method of procedure to be followed by the presiding judge in making the appointment of said counsel.

Also:

H. 700. Authorizing the County Governing Body of Cherokee County, Alabama, to levy and collect a 1c gasoline tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows:

Also:

H. 701. To authorize and direct the Court of County Commissioners, or otherwise designated Governing Body of Cherokee County, Alabama, to Pay for Advertising the Notice and substance of Local Bills to be introduced in the Legislature for said County, out of any money in the treasury not otherwise appropriated when the bill applies to the entire County and the Notice is signed by a Cherokee County Representative or the State Senator from the Twenty-Ninth Senatorial District, and this Act shall apply to and include the notice and substance of bills advertised during the present session of the Legislature.

Also:

H. 719. To authorize the employment by the Board of Revenue of Lowndes County, Alabama, of clerical assistance to the Judge of Probate of said Lowndes County, Alabama, and to provide for the compensation of such employee

Also:

H. 726. To require the Walker County Board of Education to assume and pay the balance due on the principal amount of \$5,500, first deducting \$3,000, evidenced by the issuance of 220 bonds for the principal amount of \$25.00 each, known as Town of Oakman Public School House Refunding Bonds, each bearing date of July 1st, 1932, which bonds were issued under ordinance adopted by the Town of Oakman, Alabama, on June 20, 1932 and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 727. To require the Walker County Board of Education to assume and pay the thirty-eight bonds in the sum of \$250.00 each, issued by the Town of Parrish, Alabama, under date of September 1, 1937, which bonds were issued under ordinance adopted by the Town of Parrish on August 16, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Also:

H. 776. To provide that all official offices in the Court House of Lauderdale County, Alabama may close at noon on one day in each week during the year; to provide the fixing of the day for closing and notice thereof.

Also:

H. 777. To amend Section 23 of an Act, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries public

with the power of the Justices of the Peace in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof", approved April 4, 1911, as amended by Local Acts of the Legislature of Alabama, approved July 27, 1923, March 2, 1931 and October 25, 1932.

Also:

H. 778. To alter and re-arrange the boundaries of the Town of Boston.

Also:

H. 785. To Repeal an Act Entitled "To Provide For the Employment of not exceeding three road patrolmen for Mobile County by the sheriff; to define their duties and to vest in such patrolmen the authority and duties of deputy sheriffs; to fix their compensation and to provide for the payment of same out of the general funds of the County as the salaries of other County employees are paid; to provide that such patrolmen shall hold office at the will of the sheriff appointing them but not beyond the expiration of his term; To provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the sheriff for the use of the Patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair". Approved October 12, 1932.

Also:

H. 786. To repeal an act entitled "An Act to provide for the employment discharge and compensation of road patrolmen in all counties of the State having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties:."

Also:

H. 794. To authorize the governing body of DeKalb County, Alabama to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regu-

lations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Lusk:

S. 433. To amend Sections 5, 7 and 8 of an Act approved March 2, 1937, entitled "An Act to provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain."

Also:

By Mr. Lusk:

S. 434. To authorize each city and incorporated town in Alabama which now or hereafter owns and operates a municipal water works to transfer and convey such water works to the control, management and operation of a water board of such municipality, and to prohibit such water board from selling or transferring such water works so as to vest title into private ownership or control except as security for money borrowed.

Also:

By Mr. Harris:

S. 416. To authorize the Board of Revenue and Control of Morgan County, Alabama, to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while performing the duties of deputy sheriff.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

Notice is hereby given that at the request of The Board of Revenue and Control of Morgan County, Alabama, a bill substantially as follows will be introduced at the adjourned regular session of the Legislature of Alabama which convenes in July, 1939, and application for its passage will be made, to-wit:

A BILL TO BE ENTITLED AN ACT.

To authorize the Board of Revenue and Control of Morgan County, Alabama, to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while performing the duties of deputy sheriff.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1. That the Board of Revenue and Control of Morgan County, Alabama, be and it is hereby authorized to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while acting as a deputy sheriff.

2. The total amount to be allowed on account of said medical service and hospitalization shall not exceed the sum of \$400.00.

Norman W. Harris.

**STATE OF ALABAMA,
MORGAN COUNTY.**

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. K. Wiggins, who, being by me first duly sworn, deposes and says that he is Publisher of the Hartselle Enquirer, which is and has been during the time herein mentioned a weekly newspaper of general circulation, published in Morgan County, Alabama, and that a certain notice of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 6th, 13th, 20th and 27th of July, all in the year 1939.

D. K. WIGGINS.

Sworn to and subscribed before me, this 14 day of August, 1939.

SIM L. HOWELL,

Notary Public.

Also:

S. 426. To provide additional compensation for the Tax Collector and Tax Assessor of Calhoun County, Alabama to provide for the retaining by such Tax Collector and Tax Assessor of all compensation, fees, commission and allowances received by them or either of them for the collecting or assessing any ad valorem taxes for, on behalf of or that may be due any municipality or municipal corporation in Calhoun County, Alabama; to provide that any such compensation, fees, commissions, and allowances so received and retained by them, or either of them, shall become the property of such Tax Collector or Tax Assessor and shall not be paid into the County Treasury; to provide that such compensation, fees, commission, and allowances shall be in addition to the salary and allowances provided by the Act of the Legislature of Alabama approved September 13, 1935 and appearing on page 269 and 270 of the Local Acts of Alabama, 1935 and that said last named Act shall remain in effect and not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for; and to provide for the effective date of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

A bill or act substantially as follows will be introduced at the present session of the Alabama State Legislature and its passage advocated.

A BILL
TO BE ENTITLED
AN ACT

To provide additional compensation for the Tax Collector and Tax Assessor of Calhoun County, Alabama; to provide for the retaining by such Tax Collector and Tax Assessor of all compensation, fees, commissions and allowances received by them or either of them for the collecting or assessing any ad valorem taxes for, on behalf of or that may be due any municipality or municipal corporation in Calhoun County, Alabama; to provide that any such compensation, fees, commissions and allowances so received and retained by them, or either of them, shall become the property of such Tax Collector or Tax Assessor and shall not be paid into the County Treasury; to provide that such compensation, fees, commissions and allowances shall be in addition to the salary and allowances provided by the Act of the Legislature of Alabama approved September 13, 1935, and appearing on pages 269 and 270 of the Local Acts of Alabama, 1935, and that said last named Act shall remain in effect and not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for; and to provide for the effective date of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That from and after the date when this Act shall become effective and applicable the Tax Collector of Calhoun County, Alabama, shall receive for collecting, and the Tax Assessor of Calhoun County, Alabama, shall receive for assessing, such compensation, fees, commissions and allowances as may be fixed by the governing body of any municipal corporation, city or town, within Calhoun County, Alabama, or as may be hereafter adopted, for the collecting or assessing of any and all ad valorem taxes for, on behalf of or that may be due any such municipality, city or town, and which such Tax Collector shall be required to collect and said Tax Assessor to assess by reason of any ordinance adopted by any such municipality, city or town, or by any law of the State of Alabama, including all ad valorem taxes, whether on real estate, personal property, motor vehicles or any other type or class of property.

Section 2. That any and all such compensation, fees, commissions and allowances received by such Tax Collector, or Tax Assessor, as hereinabove provided for shall be retained by such Tax Collector or Tax Assessor and shall become the property of such Tax Collector or Tax Assessor, and shall not be paid over by such Tax Collector or Tax Assessor to the County Treasury, but shall be an additional compensation to such Tax Collector or Tax Assessor for the services so required of them or him in the collecting or assessing such ad valorem taxes for or on behalf of any or all such municipal corporations, cities or towns.

Section 3. That the provisions of this Act shall apply to all commissions, delinquent fees, citation fees, and all other fees and allowances allowed by law or by the ordinances of the governing body of any such municipal corporation, city or town, in connection with the assessment, equalization and collection of any and all such ad valorem taxes due any such municipality, including all fees for the enforcement of such collection, the sale of property for the collection of taxes and the redemption of property from such tax sales.

Section 4. That the compensation, fees, commissions and allowances herein provided for such Tax Collector and Tax Assessor shall be in addition to the salary and allowances provided by the Act of the Legislature of

Alabama approved September 13, 1935, and appearing on pages 269 and 270 of the Local Acts of Alabama, 1935, and that said last named Act shall remain in effect and shall not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for.

Section 5. That this Act shall become effective immediately upon its adoption and approval by the Governor, but shall apply only to the collection and assessing of such ad valorem taxes as shall become due on or after October 1, 1939.

July 25, August 1, 8, 15.

THE ANNISTON STAR

Anniston, Ala.

Personally appeared before me Harry M. Ayers, who, being duly sworn, makes oath that he is Publisher of The Anniston Star, a daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates: July 25 & August 1, 8 & 15, 1939.

HARRY M. AYERS.

Sworn to and subscribed before me this 16th day of August, 1939.

CLARA B. WRIGHT,
Notary Public.

Also:

By Mr. St. John:

S. 441. To provide for the payment by Cullman County of the costs of local improvements on streets and avenues abutting County property, and the interest thereon, done by the City of Cullman at the instance of the County authorities, under local improvement assessments made against said County by the City of Cullman during the year 1928, which the City of Cullman had paid or is now liable to pay.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the present regular session of the Legislature of Alabama.

A BILL TO BE ENTITLED

AN ACT

To provide for the payment by Cullman County of the costs of local improvements on streets and avenues abutting County property, and the interest thereon, done by the City of Cullman at the instance of the County authorities, under local improvement assessments made against said County by the City of Cullman during the year 1928, which the City of Cullman has paid or is now liable to pay.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the County of Cullman is equitable and morally liable for and is required to pay to the City of Cullman the cost of local im-

provements on streets and avenues on which the Courthouse and County Jail lots abut, and the interest accrued thereon, as ascertained and assessed to said County by the Mayor and Aldermen of the City of Cullman, in improvement ordinances duly enacted and ordered in the year 1928, not being in excess of the benefits to said County property derived from such improvements.

Section 2. Be it further enacted, that the Mayor and Aldermen of the City of Cullman, as soon as practical after the passage of this Act, shall ascertain as near as may be the amount of such assessments with the interest thereon, and the Mayor of said City shall certify a statement of the amount so ascertained to the Board of Finance and Control of Cullman County, and said Board of Finance and Control must then issue a certificate of indebtedness for such certified amount in favor of the City of Cullman, which shall be paid by the County of Cullman as now provided by law for the payment of County dues or claims.

Section 3. Be it further enacted, that the certificate of the Mayor of the City of Cullman of the amount so ascertained to be due the City of Cullman for such improvement shall be prima facie evidence of the amount due and that the amount of such assessment is not in excess of the increased value of such property by reason of the special benefit derived from such improvement.

Section 4. Be it further enacted, that the City of Cullman may maintain all proper actions in any of the courts of this State against the County of Cullman or against any County officer of Cullman County necessary or proper to enforce the provisions of this Act.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 6. This Act shall take effect immediately upon its passage and approval by the Governor.

CASE..... VS.....Printer's Fee \$12.78.

PROBATE CHANCERY COURT

284 Words 4 times. Date of first insertion July 27, 1939. Legal rate: 1½ cents per word for first insertion, 1 cent per word for each subsequent insertion. Divorce cases must be paid for in advance. Other advertising fees will be charged to the attorney or party furnishing the copy, unless the estate is ample to guarantee payment.

THE STATE OF ALABAMA, CULLMAN COUNTY.

Before me, ... a in and for said County and State, personally appeared J. R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for 4 successive weeks and being in the issues of the said newspaper of the following dates, viz July 27, Aug. 3, 10, 17, 1939.

J. R. ROSSON,
Publisher.
Sworn to and subscribed before me this the 21 day of August, 1939.
MAVIS LAND,
Notary Public.

(Seal)

Also:

By Mr. Stakely:

S. 442. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of Government' Approved March 4, 1931", approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is

brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

Also:

By Mr. Conway:

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama,

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
JACKSON COUNTY.

Before me, Robert E. Jones, a notary public in and for said county and state, personally appeared P. W. Campbell, who, being duly and legally sworn, deposes and says that he is editor and manager of The Jackson County Sentinel, a newspaper published in Jackson County, Alabama, and which is a weekly newspaper, that the notice, a copy of which is hereto attached, was inserted in said The Jackson County Sentinel, and has been published and has appeared regularly in four weekly issues of said The Jackson County Sentinel.

P. W. CAMPBELL

Sworn to and subscribed before me on this the 14th day of July, 1939.

ROBERT E. JONES,

Notary Public.

(Seal)

NOTICE

Pursuant to constitutional requirement, notice is hereby given that a bill will be introduced at the present or next special session of the Legislature of Alabama, for the purpose of establishing a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, the County Court, and the Probate Court of Jackson County, Alabama, to the Jackson County

court; to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama, and an effort will be made to have the same enacted into law.

Also:

By Mr. Harrison:

S. 463. To create the office of county solicitor of Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

TO WHOM IT MAY CONCERN:

Take notice that substantially the following bill will be introduced in the Legislature of Alabama at its present session and its passage requested and that this notice is given as provided by Section 106 of the Constitution of Alabama of 1901:

A BILL

to be entitled

AN ACT

To create the office of county solicitor of Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created the office of county solicitor of Chilton County.

Section 2. The county solicitor hereby created shall be elected by the qualified electors of the county of Chilton at the general election to be held for the election of State and county officers in November, 1942, and every four years thereafter, and shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified.

Section 3. A vacancy in the office of such county solicitor shall be filled by appointment of the Circuit Solicitor of the circuit in which Chilton County then is, and the appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. It shall be the duty of the county solicitor of Chilton County to represent the State of Alabama in all cases in the Inferior courts of the county, in all preliminary proceedings, applications for bail and habeas corpus and other criminal proceedings in said county requiring the services of a prosecuting attorney; to aid and act for the solicitor of the Circuit Court before the grand jury and in all matters of the Circuit Court, and in the absence of the Circuit Solicitor to perform all of his duties; also to attend

coroner's inquests and examine witnesses and select such witnesses as in his judgment should be and appear before the grand jury or before the courts on preliminary hearing or habeas corpus, and when called upon to do so by the Commissioners Court, or any like or similar governing body of said county, to represent the county of Chilton in all litigation in which it is engaged. The county solicitor shall be clothed with all other powers and shall be charged with all duties now given or imposed upon the deputy solicitor of said Chilton County, Alabama, by any laws now in force or hereafter to be prescribed by law for deputy solicitors, it being the intention of this act that said county solicitor shall take the place of the deputy solicitor of said county and prosecute all cases in which the deputy solicitor is required to prosecute. All laws in force pertaining to the deputy solicitor of Chilton county prior to the abolishment of said office shall remain in force and apply to the county solicitor hereby created except those in conflict with the provisions of this Act.

Section 5. That the county solicitor of Chilton County, Alabama, shall receive a salary of twelve hundred dollars (\$1,200) per annum, to be paid out of the general fund of said county in twelve equal installments, in the same manner as was paid the deputy solicitor of said county prior to the abolishment of said office.

Section 6. The sections of this act and the parts of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional, shall not affect the other sections or parts thereof, it being now declared that the other parts or other sections would have been enacted regardless of any section or part of section which might be held unconstitutional, inoperative or ineffective.

Section 7. All laws or parts of laws, both local and general, in conflict with the provisions of this act are hereby repealed in so far as they relate to Chilton County.

Section 8. This act shall go into effect upon its approval by the Governor.

The State of Alabama,
County of Chilton.

Before me, J. C. Pattillo, Clerk of the Circuit Court in and for said County and State, this day personally appeared T. E. Wyatt, who after being by me duly sworn says that he is publisher of The Union-Banner, a newspaper published weekly at Clanton, State of Alabama, and that the notice of intention to introduce a local bill before the Legislature of Alabama, a true copy of which is hereto attached, was published in said newspaper for four consecutive weeks, as follows: July 20th and 27th and August 3rd and 10th, 1939.

T. E. WYATT,
T. E. Wyatt, Publisher.

Sworn to and subscribed before me this August 22, 1939.

J. C. PATTILLO,
J. C. Pattillo, Clerk Circuit Court,
Chilton County, Alabama.

Also:

By Mr. Harrison:

S. 464. To abolish the office of deputy solicitor of Chilton County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

TO WHOM IT MAY CONCERN:

Take notice that substantially the following bill will be introduced in the Legislature of Alabama at its present session and its passage requested and that this notice is given as provided by Section 106 of the Constitution of Alabama of 1901:

A BILL

to be entitled

AN ACT

To abolish the office of deputy solicitor of Chilton County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the office of deputy solicitor of Chilton County, Alabama, be and the same is hereby abolished, effective on the first Monday after the second Tuesday in January, 1943.

Section 2. That all laws, general, special or local in conflict with the provisions of this act and only such laws are hereby repealed.

Section 3. This act shall go into effect on the first Monday after the second Tuesday in January, 1943.

The State of Alabama,
County of Chilton,

Before me, J. C. Pattillo, Clerk of the Circuit Court in and for said County and State, this day personally appeared T. E. Wyatt, who after being duly sworn says that he is publisher of the Union-Banner, a newspaper published weekly at Clanton, State of Alabama, and that the notice of intention to introduce a Local Bill before the Legislature of Alabama, a true copy of which is hereto attached, was published in said newspaper for four consecutive weeks, as follows: July 20th and 27th, and August 3rd and 10th, 1939.

T. E. WYATT,

T. E. Wyatt, Publisher.

Sworn to and subscribed before me this August 22, 1939.

J. C. PATTILLO,

J. C. Pattillo, Clerk Circuit Court,
Chilton County, Alabama.

Also:

By Mr. McCall:

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide

compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given at, the coming session of the Legislature, the following local bill applying to Mobile County will be introduced.

A BILL

to be entitled

AN ACT

To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That from and after the passage and approval of this act, in addition to performing all the powers, functions, duties, and authority of whatever kind and nature now imposed upon them by law, either general or local, the Chairman and each of the Members of the Board of Revenue and Road Commissioners of Mobile County, are hereby required to make monthly inspections of the public roads and bridges in Mobile County that are under the jurisdiction of said Board, in order to ascertain whether the work shown by the reports of the superintendent or superintendents, or engineer or engineers, has been properly and economically done. The Chairman and each of the Members of said Board are further hereby required to make such inspections at such other times as the majority of the Board shall deem to be for the best interests of the county, and, by resolution duly adopted and spread upon the minutes of the Board, shall order. At the next meeting after such inspections are made, the Chairman and each of the Members of said Board shall make a written report of the inspections made by them, together with such recommendations for the improvement of the public road and bridge system of the county as they may deem proper, which said reports and recommendations shall be spread upon the minutes of the Board.

Section 2. For the performance of the new and additional duties in relation to the public roads and bridges in said county imposed upon them under this act, the Chairman of said Board shall receive the sum of \$1,500.00 per annum, and the members of said Board shall each receive the sum of \$900.00 per annum, such payments to be made from the portion of the proceeds of the State excise tax on gasoline that is allocated to Mobile County.

Section 3. That all laws and parts of laws, general, special, or local, in conflict with provisions of this act, be and the same are hereby expressly repealed.

Section 4. That this act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

H. N. Curran being sworn, says that he is Auditor of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of the Mobile Register, July 17, 24, 31; and Aug. 7, 1939.

Sworn to and subscribed before me this 23rd day of Aug. 1939.

H. N. CURRAN
ALETTA MOLPUS,
Notary Public

(Seal)

Also:

By Mr. Calhoun:

S. 461. To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be organized since the adoption of the 1901 Constitution of Alabama, which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Rules—S. 434; S. 433.

Local Legislation No. 1—S. 416; S. 426; S. 441; S. 442; S. 379; S. 463; S. 464; S. 471.

Municipal Organization—S. 461.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Poole:

S. 314. To further provide for and regulate pensions for Confederate soldiers and sailors and their widows.

Also:

By Mr. Young:

S. 362. To provide a retirement fund for aged and incapacitated teachers in the state supported schools; to establish a teachers' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; and to provide a method of financing said system.

Also:

By Mr. Simpson:

S. 340. To amend Section 13 of an act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration, examination and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the Director of Public Safety, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; and to repeal all laws and parts of laws in conflict herewith," approved March 18, 1939.

Also:

By Mr. Simpson:

S. 338. To further provide for a Merit System for officers and employees in the State service and to make more effective the provisions of the Merit System Act, approved March 2, 1939.

Also:

By Mr. Simpson:

S. 366. To amend Subsection (4) of Subdivision (a) of Section 10 of the Merit System Act, approved March 2, 1939.

Also:

By Mr. Simpson:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of an act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment

compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

Also:

By Mr. Simpson:

S. 409. To authorize the Commissioner of Agriculture and Industries to expend from the Agricultural Fund, the sum of Five Thousand (\$5,000.00) Dollars toward the organization of the Alabama-Florida Unit of the National Cotton Council of America.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Appropriations—S. 409.

Public Welfare and Corrective Institutions—S. 314.

Education—S. 362.

Public Roads and Highways—S. 340.

Ways and Means—S. 338; S. 366.

Judiciary—S. 440.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 280. To alter or rearrange the boundary lines of the Town of Blue Mountain, Calhoun County, Alabama and to describe the area included in such boundary lines and within such town.

Also:

S. 307. To alter and re-arrange the boundaries of the Town of Pleasant Grove; to provide for an election to submit to the qualified voters of the territory to be annexed to said Town of Pleasant Grove for their approval or rejection of such alteration and re-arrangement.

Also:

S. 417. To further regulate the jurisdiction, powers, duties and compensation of the Board of Revenue of Etowah County, and to amend an Act entitled, "An Act to establish a Board of Revenue for Etowah County; to prescribe its jurisdiction and powers; to fix the compensation and provide for the election of its President and Associate Members and to abolish the Commissioners Court of Etowah County", approved Aug. 11, 1927 (1927 Local Acts 187).

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following Resolutions were introduced:

Rules Committee:

H.R. 110. Making certain bills special orders.

And the H.R. 110 was adopted.

Rules Committee:

H.J.R. 111. Be it resolved by the House, the Senate concurring, that when the two houses adjourn today, they adjourn to meet Tuesday, September 5th, 1939 at 10 o'clock.

And the H.J.R. No. 111 was adopted.

By Mr. Beck:

H.J.R. 112. Be it resolved by the House of Representatives, the Senate concurring, that House Bill 223 be officially designated as the Beck-Harrison Bill.

On motion of Mr. Beck, the rules were suspended and the H.J.R. No. 112 was adopted.

By Mr. Peacock:

H.R. 113. Relative to making H. B. 634 and H. B. 635, a special order.

And the H.R. No. 113 was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Boswell:

H. 1026. To amend an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935, as the same may heretofore have been amended, by adding thereto Section 8½.

Public Roads and Highways.

By Mr. Boswell:

H. 1027. To amend the title and body of an Act entitled "An Act to provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama for the purpose of constructing or causing to be constructed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and

powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama," approved August 31, 1927, so as to provide that any bonds issued pursuant to the provisions of said Act may be refunded prior to the maturity dates thereof.

Public Roads and Highways.

By Mr. Smyer:

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Local Legislation No. 2.

By Mr. Smyer:

H. 1029. To amend Section 12 of an Act entitled "An Act to regulate the business and trade of plumbing in all counties of this State having a population of 80,000 or more, according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof, and for the organization of said Board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning: to define the terms "plumbing" "master plumber" and journeyman plumbers" for the purposes of this Act; to provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration and Examination the power and authority to revoke after hearing, any licenses issued by said Board on account of any violation or violations of any provision or provisions of this Act by any master plumber or journeyman plumber, who may violate any of the provisions of this Act, and to provide further penalties

for any violation or violations of the provisions of this Act, and to provide for appeal to the various Circuit Courts of Alabama by any aggrieved person from any order ruling decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and also to repeal all laws in conflict herewith," Approved Sept. 13, 1935.

Local Legislation No. 2.

By Mr. Snyder:

H. 1030. To amend Section 27 of an Act approved August 20, 1915, entitled "AN ACT, To further provide for the organization, government and regulation of cities which now have or which may hereafter have a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken, and to further provide for and define the rights, powers, duties, procedure, jurisdiction and authority of such cities and of the officers, courts, and bodies thereof, and of the State and county officers, courts, bodies, boards and funds in relation to such cities and the officers and affairs thereof, and to prescribe penalties for the violaton of this act."

Local Legislation No. 2.

By Mr. Snyder:

H. 1031. To amend Sections 3, 4, 5 and 7 of Act No. 502 of the Regular Session of the Legislature of Alabama of 1923, approved September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923

Judiciary.

By Mr. Langan:

H. 1032. To provide that membership in any national, State or local committee of any political party, or the holding of an office in a partisan or political club, shall not disqualify a person to hold any position to which any county-wide Civil Service System is or may be applicable, under any law now or hereafter existing, providing for a county-wide Civil Service System in any County in the State of Alabama, having according to the last or any future Federal Census, a population in excess of 100,000 inhabitants, and less than 300,000 inhabitants, provided said person held the membership or office in said political party on the date of the adoption of the said Civil Service System.

Local Legislation No. 1.

By Mr. Stone (with notice and proof):

H. 1033. For the Relief of Horace Turner, Out of the Road and Bridge Fund of Mobile County, Alabama.

Local Legislation No. 1.

Notice and proof H. 1033:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows: That inasmuch as the County of Mobile, Alabama, heretofore diverted the natural flow of water in Eslava Creek, and as a direct result drained two lakes on the property of Horace Turner, situated adjacent to and south of Government Street Road and west of Cottage Hill Road in said County, and thus substantially damaged said property, the Governing Body of said County be required to restore the natural flow of said creek so that the same will furnish a water supply to said lakes as it existed prior to said diversion thereof, or otherwise furnish an adequate and like supply of fresh water to said lakes, or upon its failure so to do within four months after the passage of said Act, there be appropriated by said Act and said County shall pay to the said owner of said property such sum as may be fixed by arbitration, said arbitration to be conducted, and the award thereunder to be of such effect, and to be enforced, as is otherwise provided by law; the expenses of carrying out said Act to be paid out of the Road and Bridge Fund of said County.

july31-aug7-14-21

H. N. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, Aug. 7, 14, 21, & 28, 1939.

H. N. CURRAN.

Sworn to and subscribed before me this 29th day of Aug. 1939.

GREG L. KENNY,

(Seal)

Notary Public.

By Mr. Locke:

H. 1034. To require Boards of Registrars to furnish Boards of Registrars of their respective counties with certain information and to further prescribe the duties of the Board of Registrars.

Privileges and Elections.

By Mr. Welch:

H. 1035. To provide for the distribution of the annotated code; to provide for the conservation of the sets distributed and to provide penalties for the violation of the provisions of this act; and to authorize the sale of said annotated code.

Judiciary.

By Mr. Doster (with notice and proof):

H. 1036. To validate and make payable out of the General fund of Autauga County, Alabama all outstanding and unpaid warrants, issued to John A. Dickinson, as Judge of the Civil and Criminal Court of said county, and to authorize the Board of Revenue of said County to prescribe the manner in which said warrants are to be paid.

Local Legislation No. 1.

Notice and proof H. 1036:

NOTICE

Notice is hereby given that a Bill will be introduced in the Legislature of Alabama to pay all outstanding warrants due John A. Dickinson as Judge of the Civil and Criminal Court of Autauga County, Alabama for services rendered as such, and to make provisions for the payment of the same out of the general fund of Autauga County as may be fixed by the Board of Revenue of Autauga County.

State of Alabama,
Montgomery County.

Personally appeared before the undersigned authority, H. M. Doster, who, being duly sworn, deposes and says that he is the Editor and publisher of the Prattville Progress, a newspaper published in Prattville, Alabama, and that the attached notices are Proposed Legislation that was published for 4 consecutive weeks in said newspaper commencing on the 2nd day of March and ending on the 23rd day of March.

HARRY M. DOSTER,
Editor & Publisher.

Sworn to and subscribed before me this 31 day of August 1939.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

By Mr. Castleberry:

H. 1037. To better enforce the collection of the gasoline tax for the State of Alabama from counties thereof, municipal corporations or any agency or subdivision of the State of Alabama, any county or municipal corporation, or any agent or instrumentality of any of such governmental agencies; to provide for the enforcement of the provisions of this act and for the penalties for violation thereof.

Ways and Means.

By Mr. Brown of Covington:

H. 1038. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

Education.

By Mr. Hill (with notice and proof):

H. 1039. To prescribe the powers and duties of the school trustees for Marion County, Alabama.

Local Legislation No. 1.

Notice and proof H. 1039:

NOTICE OF INTENTION TO APPLY FOR ENACTMENT
OF LOCAL LAW

TO WHOM IT MAY CONCERN—In pursuance of the requirements of Section 106 of the Constitution of Alabama of 1901, notice is hereby given that application will be made to the Legislature of Alabama at the present regular 1939 session thereof for the enactment of a local law in substance and effect as follows:

A BILL
TO BE ENTITLED
AN ACT

To prescribe the powers and duties of the school trustees for Marion County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the trustees for each school in Marion County, Alabama, shall have, in addition to the powers and duties already conferred upon them, the following authority, to-wit:

(a) That the trustees for each school together with the County Superintendent of Education shall elect a principal for their school, which selection shall be final. Should the trustees and Superintendent fail to agree, then the decision of the majority of this group shall prevail and be final.

(b) That the principal for each school when elected shall forthwith select his teachers, which selection when approved by the trustees for said school shall be final. Should the trustees and principal fail to agree, then the decision of the majority of this group shall prevail and be final.

Section 2. BE IT FURTHER ENACTED, That all laws and parts of laws, either general or special, in conflict with the provisions of this act be and the same hereby are repealed.

Section 3. That this Act shall go into effect upon approval by the Governor.

This, the 18th day of July, 1939.

R. L. HILL.

7-20-27—8-3-10.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,
COUNTY OF MARION.

Before me, Felix Sanderson, a Notary Public in and for said County, in said State aforesaid, personally appeared Frank B. McKenzie, who, being duly sworn, doth depose and say that he is publisher of THE MARION COUNTY NEWS, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is attached hereto) has been published in said newspaper for

four consecutive weeks prior to the 21st day of August, 1939, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 37, the 20th day of July, 1939.

No. 38, the 27th day of July, 1939.

No. 39, the 3rd day of Aug., 1939.

No. 40, the 10th day of Aug., 1939.

Said notice was published without cost to the State of Alabama.

FRANK B. McKENZIE,

Publisher.

Sworn to and subscribed before me, this the 26th day of August, 1939.

FELIX SANDERSON,

(Seal)

Notary Public.

By Mr. Cook (with notice and proof):

H. 1040. To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

Local Legislation No. 1.

Notice and proof H. 1040:

A BILL WILL BE INTRODUCED IN THE PRESENT SESSION OF THE LEGISLATURE, WHICH IS SUBSTANTIALLY AS FOLLOWS:

A BILL
TO BE ENTITLED
AN ACT

To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

Be it enacted by the Legislature of Alabama:

Section One: That Section Two of an Act entitled "An Act to divide the County of Cleburne into Commissioners district and to regulate the election of County Commissioners" approved March 4, 1901 and be the same is hereby amended to read as follows. Section Two. That on the general election to be held in 1942 an every four years thereafter a County Commissioner from the First District the second District, the Third District an the Fourth District shall be elected by the qualified voters of Cleburne County.

Section Two: That the term of office of the Commissioner from the First District and the Commissioner from the Fourth District are hereby extended to the first Monday after the second Tuesday in 1943.

Section Three: This Act shall become effective upon approval by the Governor.

STATE OF ALABAMA,
CLEBURNE COUNTY.

I, R. A. Dodson, Publisher of THE CLEBURNE NEWS, hereby certify that the attached advertisement appeared in The Cleburne News, a newspaper published in Cleburne County, Alabama, for four successive weeks, appearing in the issues of August 10th, August 17th, August 24th and August 31st, 1939.

R. A. DODSON,

Publisher, THE CLEBURNE NEWS.

Sworn to and subscribed before me this 31st day of August, 1939.

P. J. Merrill,

Notary Public.

By Mr. Castleberry:

H. 1041. To appropriate \$155,000.00 out of the State Treasury to be used for the purpose of furnishing planting seeds to farmers in the State of Alabama whose crops and other agricultural products for the year 1939 were either destroyed or greatly damaged by almost unprecedented rains and floods, said seeds to be used for the production of crops by said farmers in the year 1939 & 1940; and to provide for the administration of this act.

Appropriations.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 961. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in the several counties of the State to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

H. 979. To further regulate the fees, commissions and compensation of the several Clerks of the Circuit Court in Alabama.

S. 157. To authorize the use of \$2,000.00 set apart for the purchase of a homestead under Section 7943 or Section 7944 of the Code of 1923, for other uses or purposes than the purchase of a homestead where upon a proper hearing and proof it is determined by the Probate Judge or the Judge of the Circuit Court, in Equity, that such other use or purpose will be to the best interests of said widow or minor child or children; providing for the hearing of said cause and the appointment of a guardian ad litem to represent the interests of said minor or minors.

S. 329. To Amend Sections 10 and 11 of An Act entitled "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers", approved August 9th, 1923, as said Sections 10 and 11 of said act were heretofore amended by an act approved June 6th, 1931.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following Bills and ordered same returned to the House with a favorable report:

H. 737. To amend Section 9 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill No. 324.

H. 864. To provide for the exemption of the real and personal property of all Young Men's Christian Associations, their Branches and Departments, heretofore or hereafter organized and existing in good faith in the State of Alabama for other than pecuniary gain and not for individual profit, from all State, County and Municipal taxes, licenses, fees and charges of any nature whatsoever.

H. 881. To require the Department of Finance to examine and audit every two years, the records of all State bureaus, boards, commissions, associations, Boards of Examiners by whatever named called and retirement funds now provided by law or which may hereafter be created by law; to require the State bureaus, boards, commissions, associations, Boards of Examiners by whatever named called and retirement funds to pay for the examinations where the State has no control over the expenditure of funds, and where the State has control over the expenditure of funds to require the State bureaus, boards, commissions, associations, Board of Examiners by whatever name called and retirement funds to pay their pro rata share of the examination.

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

H. 938. To amend Sections 9426 and 9427 of the Code of Alabama.

H. 958. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10, 1935, Schedule 22 B.

H. 960. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed:

H. 964. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

H. 966. To Amend Schedule 160.4 of Section 348 of "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

H. 971. To amend Schedule 138.3 of the General Revenue Act of the Legislature approved July 10th, 1935 entitled "An Act to further provide for General Revenue of the State."

H. 998. To Amend Sub-section (b) of Schedule 158.14 of Section 348 of an Act entitled An Act to Provide for the General Revenue of the State of Alabama, approved July 10, 1935.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following Bill and ordered same returned to the House without recommendation:

(Without recommendation):

S. 398. To further provide for the fiscal management of Wilcox County; to provide for the amortization of the outstanding obligations of Wilcox County, and the amortization of obligations of Wilcox County that may be hereafter issued.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 173. To appropriate the sum of Three Thousand Dollars to the United Daughters of the Confederacy, which sum will complete a \$20,000 heroic bronze statue of Jefferson Davis, designed and executed by an internationally known sculptor, to be placed on the grounds of the State Capitol.

H. 895. To make an appropriation for the support and maintenance of the Florence Crittenton Home.

H. 922. To authorize the Treasurer of the State of Alabama to pay certain monies to the Department of Industrial Relations, for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compen-

sation Act of Alabama and the program of factory and industrial plant inspection for the safety of employees.

H. 932. To further provide for the salary of the State Geologist, and to make provision for the payment thereof.

H. 1023. To authorize, require and provide for the payment of the sum of \$106.36 out of the funds in the State Treasury to the credit of the State Highway Department, for the relief of C. C. Cunningham, said sum being the actual amount paid by him for the repair of his automobile, which said automobile was damaged on March 17, 1936, on the State highway between Reform and Carrollton in Pickens County, Alabama, due to the negligence of the State Highway Department of Alabama.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 346. To amend Sections 9 and 11 of an Act entitled "An Act to provide for a finding by the Legislature that the production of milk and proper control of its marketing is in the public interest and is necessary for adequate and proper supply of a wholesome food throughout all seasons of the year in the interest of general health and well-being of the public generally; to create a State Milk Control Board; to provide for the appointment and removal of its members; to define its powers and duties; to fix the compensation of its members; to empower the State Milk Control Board with authority to employ necessary help to fix their compensation; to make and enforce necessary rules and regulations for the enforcement of said law; to cooperate with other governmental agencies tending to bring about a uniform system of milk control regulations; to provide for the creation and dissolution of milk sheds, or their diminution or enlargement from time to time; to provide for a review of any order or ruling of the Board; to provide for the fixation, regulation and collection of license fees for milk dealers, distributors, producer-distributors, producers and stores; to regulate and fix minimum or maximum

prices; to provide for the issuance of licenses; to aid in the prosecution of any violation of statutory laws that are in existence or that may be amended or enacted for the preservation of the property of those engaged in the dairy industry or the marketing of dairy products; to enforce the rules, findings and decrees of the State Milk Control Board, defining certain terms and commodities such as: Milk Control Board, person, milk dealer, distributor, producer, milk shed, processor, milk, fluid milk, consumer, store, producer-distributor, wholesale producer, licensee; providing for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.", approved March 20, 1939.

H. 488. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making of rules and regulations by the State Department of Agriculture and Industries pertaining to the examination and licensing of persons engaged in such work or services; to provide for the examination and licensing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

H. 542. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for permits for such dealers or the conduct of such businesses to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

H. 980. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations

of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with substitute:

(With substitute):

H. 472. Amending an Act of the Legislature approved September 10, 1927, entitled:

"An Act for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishment and improvements of pastures, the production of feed and forage crops, the economic production and management of livestock the production of fruits, vegetables, nuts and citrus fruit, the control of insect pests, plant and livestock diseases, and other similar important agricultural and economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of Sub-Agricultural experiment stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue or County Commissioners, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organization, corporations, companies or municipalities to make donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board the Board of Trustees of the Alabama Polytechnic Institute to accept such donations;"

By adding section one and one-half, between section one and section two as follows: "Section one and one-half, "In addition to the five Sub-Agricultural stations mentioned in section one of this Act, there is hereby created a Sub-Agricultural Experiment Station to be located in the area generally known as the Piedmont

area, and the objects, purposes and powers of said Sub-Station shall be the same as the objects, purposes and powers of the Sub-Stations created in Section one of this Act."

"The Sub-Agricultural Experiment Station is to be established during the fiscal year beginning October 1, 1939. If for any reason it cannot be established during the said fiscal year, it may be established during any subsequent year. There is hereby appropriated to the Alabama Polytechnic Institute from any finances in the State treasury not otherwise appropriated, the sum of Fifty Thousand Dollars (\$50,000.00) for the construction of necessary dwellings, barns, out-houses, fences and other equipments for said Agricultural Experiment Station, and there is also appropriated the sum of Fourteen Thousand Nine Hundred Dollars (\$14,900.00) annually to said Experiment Station for maintaining and operating same."

"The land on which said Sub-Station shall be located may be acquired by gifts or purchases, but title thereto shall be vested in the Alabama Polytechnic Institute and the proceeds from any sales of lands heretofore acquired for use in connection with district Agricultural Schools shall be used for all or part of the purchase price of the land on which said experiment station shall be located after the various cities and counties who contributed finances to purchase said Agricultural Schools have been reimbursed to the extent of the amount originally contributed by said cities or counties."

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 498. To Amend Article 11, Sections 89-98, inclusive, of the Agricultural Code of Alabama of 1927.

(With amendment):

H. 763. To regulate cotton ginning in the State of Alabama.

(With amendment):

S. 268. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making of rules and regulations by the State Department of Agriculture pertaining to the examination and

licensing of persons engaged in such work or services; to provide for the examination and licensing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

Mr. Branyon, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1024. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preserva-

tion of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this act," approved August 25, 1939.

Mr. Brown (of Covington), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1017. To amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of One Hundred Dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 397. To further provide and prescribe the duties of the Court of County Commissioners of Wilcox County; to provide that the Probate Judge of Wilcox County be a member of said Court; to provide for the number of meetings of said Court, both regular meetings and special meetings; to provide that three members of said Court shall constitute a quorum; to provide the duties of the Chairman of said Court, and to provide for the keeping of records by the Chairman, and to provide for clerical and stenographic assistants for the Chairman; to prescribe the duties of the associate members of said Court, and to provide that the work of said Court shall be done collectively and its powers shall not be delegated to the individual members of said Court; to provide for the term of office and the manner of election of the members of said Court and to provide that the term of office of the Probate Judge, as a member of said Court, shall be coextensive with his term of office as Probate Judge of Wilcox County; to confer upon said Court all the authority, jurisdiction and power granted to Courts of County Commissioners by the General Laws of Alabama and certain jurisdiction, power and authority in addition thereto;

to fix the compensation of the members of said Court, and to provide for a per mile traveling expense; to provide for the filling of vacancies in the membership of said Court; to provide for a temporary Chairman of said Court in the absence of the regular Chairman; to provide for the purchase of supplies and materials to be used by Wilcox County, and to provide that if the Court so desires it may enter into an agreement with the Department of Finance of the State of Alabama and may purchase supplies and materials through the Department of Finance of the State of Alabama, and to provide that all purchases made in amounts exceeding \$100.00 (One hundred dollars) must be made on a competitive bid basis, and to provide that the County Engineer and the Judge of Probate may purchase materials and supplies for road and bridge construction and repair when such contracts do not exceed \$100.00 (One hundred dollars) without first obtaining competitive bids therefor; to provide for the manner of payment of all materials and supplies purchased by said Court, and to provide that supplies and materials not purchased in accordance with the terms of this Act shall not be an obligation against Wilcox County; and to provide for the sale of bonds and warrants and other property of Wilcox County, and to provide for the manner and means of such sale; to provide for the entering into contracts by Wilcox County, and to provide for the manner of making contracts by Wilcox County; to provide for a pre-auditing and payment of bills for Wilcox County; to provide for the manner of issuing and signing warrants drawn against funds belonging to Wilcox County; to provide for the making of a tentative budget for Wilcox County; to provide for the making and preparing of financial statements for the use of the members of said Court; to provide for the transfer of funds from the General or Special funds to the Road and Bridge Fund; to repeal all laws or parts of laws in conflict with this Act and to expressly repeal an Act of the Legislature of Alabama, approved February 2, 1937, whereby a Board of Revenue was established for Wilcox County, and to provide the dates upon which this Act shall become effective.

S. 399. To create the office of County Engineer of Wilcox County; to provide for the qualifications of said Engineer; to provide that said office shall be a full time job; to provide that subject to the control and supervision of the Court of County Commissioners of Wilcox County said Engineer shall have full control and supervision of the roads, highways, and bridges of Wilcox County; to provide that said Engineer may purchase materials and tools, and make contracts for the building and/or repairing of roads and bridges and culverts, providing such materials purchased and contracts let do not exceed \$100.00 (One hundred dollars); to

provide for the appointment, compensation and duties of said Engineer; to provide that said Engineer shall be the custodian of all tools, supplies, road materials and road machinery of Wilcox County, and to provide that on the failure of said Engineer to account to said Court of County Commissioners for such materials and supplies shall constitute a misdemeanor, and upon conviction, shall be fined not less than \$10.00 (Ten dollars) nor more than \$500.00 (Five hundred dollars) and to provide an effective date for said act.

S. 400. To further define the duties of the Deputy Solicitor of Wilcox County; to provide that said Solicitor shall furnish legal advice and written opinions to the members of the Court of County Commissioners, or other county officials, provided such legal advice or opinions are required by said Court of County Commissioners or other county officials in the discharge of their official duties; to provide that said Deputy Solicitor shall represent Wilcox County in all condemnation proceedings instituted by said County for the purpose of acquiring rights of way for highways and bridges; to provide that said Solicitor shall represent Wilcox County in acquiring rights of way, and shall draw and prepare all deeds in connection therewith and to provide that said Solicitor shall represent Wilcox County in all civil and criminal matters whenever requested to do so by the Court of County Commissioners, and to provide that said Solicitor shall perform all other duties required of him under the General Laws of the State of Alabama; to further provide for the compensation of the Deputy Solicitor of said county.

H. 947. To define, regulate and license barbers and barber colleges, and other like businesses in Walker County, Alabama; to create a Barbers' Commission for Walker County, Alabama, and to give the same power and jurisdiction to approve agreements fixing minimum prices for barber shops in Walker County, Alabama; defining additional powers of the Barbers' Commission of Walker County, Alabama, and providing penalties for the violation of the provisions of this Act.

H. 965. To further provide for the fiscal management of Wilcox County; to provide for the amortization of the outstanding obligations of Wilcox County, and the amortization of obligations of Wilcox County that may be hereafter issued.

H. 978. For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chilton, State of Alabama.

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

H. 983. To alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.

H. 984. To further regulate and define the powers, duties and authority of the Board of Revenue of Conecuh County, Alabama; to fix the qualifications of members of said board; to prescribe their terms of office; to provide the manner and time of their election; to fix their compensation; to provide for the filling of vacancies on said board; to provide for the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

H. 985. To amend an act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission." Approved: January 8, 1937.

H. 988. To authorize the appointment of an additional deputy sheriff in all counties of not less than 34,000 and not more than 35,000 population according to the last preceding or any subsequent federal census, to provide for fixing and payment of his compensation and to provide for his qualification, removal and appointment of his successor, and for the discontinuance of the office.

H. 989. To abolish the fine and forfeiture fund of Etowah County, Alabama: To provide for the payment into the general fund of said County of all moneys which under existing laws or laws hereafter enacted, are payable into said fine and forfeiture fund: To provide that witnesses summoned on behalf of the State and all other claims, including claims of the present and past Sheriffs and the claims of the present and past Clerks of the County Court and Clerks of the Circuit Court of Etowah County, which are payable out of the fine and forfeiture fund of Etowah County shall be paid out of the general fund of said County, to fix

the priorities of said claims; to provide for the registration of same; to regulate the payment of same and to validate all witnesses certificates and claims of the present and past sheriffs of Etowah County, Alabama and the present and past Clerks of the County Court of Etowah County, Alabama and the present and past Clerks of the Circuit Court of Etowah County, Alabama, now outstanding against the Fine and Forfeiture Fund.

H. 1004. To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

H. 1005. For the relief of Mollie Richardson and to authorize the County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

H. 1008. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

H. 1009. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama

or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement.

H. 1010. To regulate the Fine and Forfeiture Fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of the Fine and Forfeiture Fund; to prescribe the duties of the County Treasurer or other custodian of county funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

H. 1015. To amend Section 4 of an Act of the Legislature entitled: "An Act to amend an Act of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensations of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931,"; as amended by Acts of the Legislature of Alabama approved August 8, 1935, and found in Local Acts of Alabama, at pages 136 and 137.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 590. To amend an act entitled an act to amend and reenact an act entitled "an act to create in all cities in the State of Alabama which now have or may hereafter have a population of as many as two hundred thousand or more people according to the last or any subsequent Federal census, special funds to be known as Policemen's Pension and Relief Funds, same to be created in connection with the regularly organized and paid Police Department of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police Department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds

being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term service or disability; to provide for the pensioning of members of such Police Department after twenty-five years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children of such members of such Police Department in the event of death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children for benefits; to provide that members receiving benefits shall be bona fide residents of the State in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds, and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of this Act being held unconstitutional, it shall not affect the validity of other sections or provisions; to provide when the Act shall take effect; to provide that all laws, or parts of laws, local, special or general, in conflict with this act, are hereby expressly repealed in so far as they affect this Act." Approved February 16th, 1923" and approved September 29th, 1923.

H. 714. To amend Section 3 by increasing the employee contributions provided for therein from three percentum (3%) to six percentum (6%) of the monthly salary of such employee, and by limiting the contribution of such employee and such city, respectively, to a maximum of twelve dollars (\$12.00) per month; to amend Section 4 by altering the membership of the Board of Managers, said members to be selected and designated in the manner provided, and by providing for a quorum of said Board and setting the minimum number of votes required to transact the business of said Board; to amend Section 5 by limiting disability benefits payable to a maximum of one hundred dollars (\$100.00) per month; to amend Section 6 by limiting retirement benefits to a maximum of one hundred dollars (\$100.00) per month; to amend Section 7 by dispensing with interest payable on contributions returned to members or beneficiaries who are, respectively, involuntarily retired through no fault of their own involving moral turpitude or who die before becoming eligible for a pension, or who elect not to become subject to the provisions of this act as amended, and dispensing with any further reductions from the said returned contributions; to amend Section 8 by providing for an appraisal of the Pension and Relief Fund at the end of each three-year period,

and dispensing with any other or further appraisals or modifications of the pension or contribution schedules; and to add another section to be designated Section 7½, providing for a refund of the contributions of any employee where such contributions have exceeded the sum of twelve dollars (\$12.00) per month and providing for the manner of the return of such contributions, to an act known as House Bill 131 of the 1936-1937 Extra Session of the Legislature of Alabama, approved January 26, 1937, and printed on Pages 20 to 26, inclusive, of the General Acts of said Extra Session, the title of which act is as follows: "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers".

H. 735. To amend Section 28 of an Act known as House Bill No. 737, printed on pages 691 to 713 inclusive, in the General Acts of the general session of 1935 Legislature of Alabama.

H. 804. To authorize the governing body of each city of the State of Alabama having a population of one hundred thousand or more, according to the last or any subsequent Federal Census, to pay for certain injuries to certain employees of such city.

H. 899. To Authorize the City of Birmingham to provide relief for A. Johnston Hawkins.

H. 968. To regulate the borrowing of money by cities having a population of one hundred thousand persons, or more, according to the last or any succeeding federal census.

H. 977. Prescribing and regulating the qualifications of bail in all municipal corporations of this State of 200,000 population or more, according to the last or any subsequent federal census.

H. 997. To amend and reenact an Act entitled "An Act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a

custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers," approved January 26, 1937.

H. 999. Relating to a system of retirement from the public service of personnel hereafter employed by any city which may now or hereafter have a population of one hundred thousand inhabitants or more according to the last or any succeeding federal census and of retirement allowances for such retired personnel and of benefits for such employees and of contributions from such city and such employees and the investment and reinvestment thereof for the financing of such allowances and benefits.

H. 1000. To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected.

H. 1001. To further regulate statutory inferior courts other than those created in lieu of justices of the peace in counties of the state having a population of 300,000 or more according to the last or any subsequent Federal census; to further provide for the service or execution of the processes of such courts, and define the powers and duties of the several sheriffs of the state and their deputies with respect to such processes; to further provide for the registration of judgments of such courts, the liens thereof and the issuance of executions thereon.

H. 1018. To better provide for the office of Deputy County Treasurer of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy County Treasurer of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy County Treasurer of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

H. 1019. To better provide for the office of Deputy Probate Judge of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Probate Judge of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Probate Judge of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

H. 1020. To better provide for the office of Deputy Tax Assessor of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Assessor of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Tax Assessor of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

H. 1021. To better provide for the office of Deputy Tax Collector of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Collector of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Tax Collector of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

H. 1022. To better provide for the office of Chief Deputy Sheriff of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation and fix the powers, the term of office and duties of the said Chief Deputy Sheriff of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Chief Deputy Sheriff of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department, and other beneficiaries and as a part of such System, to create a Firemen's Pension and Relief Fund and other pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

Mr. Martin, Chairman of the Standing Committee on Public Welfare and Corrective Institutions, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 933. To amend Sections 3495, 3498, 3500, 3512, 3513, 3526, of the Code of Alabama of 1923; to provide that the partial invalidity of this Act shall not affect the remainder hereof; to repeal all Acts or parts of Acts inconsistent with the provisions of this Act; and to provide for the effective date of this Act.

Mr. Martin, Chairman of the Standing Committee on Public Welfare and Corrective Institutions, reported that said committee in session, had acted on the following bill and ordered same returned to the House without recommendation.

(Without recommendation):

H. 570. To prohibit the employment of certain married men and women by the State of Alabama, any political subdivision thereof or any municipality, or by any officer, agent or instrumentality thereof; to provide for the release from employment of certain married men and women now in the employ of the State,

any political subdivision thereof or any municipality; and to provide a penalty for a violation of said act.

Mr. Mayhall, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 1006. To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama for or which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided, the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

H. 1007. To authorize, permit, empower and direct the Court of County Commissioners, or Highway Board, or any like Governing Body of Winston County, Alabama, to appropriate two (2%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several counties of this State, such appropriation to be paid monthly into the general funds of the City of Haleyville, Alabama, and to be used by said city for the construction, maintenance or repair of roads and bridges in the corporate limits of said city; and to abolish the collection of street tax in the city of Haleyville, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when said Act shall go into effect.

Mr. Mayhall, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House without recommendation:

(Without recommendation):

S. 231. To amend Section 48 and Section 49 of an act entitled "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of County Commissioners, municipalities or like gov-

erning bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established, Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927.

Mr. Hill, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 353. To amend Section 3 of an Act entitled "An Act for providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization and aftercare for children who are crippled or who are suffering from conditions which lead to a crippling, and to provide for its administration," approved September 9, 1935.

H. 939. To repeal Section 1476 of the Code of Alabama of 1923,

Mr. Hill, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House without recommendation:

(Without recommendation):

H. 789. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; To establish a Medical Board of Sterilization and to prescribe its operation, authority and powers; To provide and define the method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; To define and name

the method of sterilization; To provide for appeals from the decision of officials of the Alabama Insane Hospitals and from the decisions of the Medical Board of Sterilization; To designate and prescribe by whom costs and expenses of such proceedings and sterilization operations are to be borne; And to protect against civil or criminal prosecutions persons legally participating in the execution of this Act.

Mr. Toomer, Chairman of the Standing Committee on Game, Fish and Fisheries, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

(With amendment):

H. 927. To provide for license for any person engaged in catching commercial or non-game fish for commercial purposes. To provide for the issuance of said license and to whom issued. To provide for penalties for violation of this Act and for other purposes.

Mr. Mathews, of Clarke, Vice-Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 863. To provide for the manufacture or purchase and distribution of Anti-Hog Cholera Serum and Hog Cholera Virus for the suppression of Hog Cholera in the State of Alabama by the Department of Agriculture and Industries; the method of making appropriation for the manufacture and purchase and distribution of Anti-Hog Cholera Serum.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with substitute:

(With substitute):

H. 1016. To amend Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities

at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Mr. Brown, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 256. To amend Section 87 of Article VI of the Alabama School Code of 1927 by adding the following sentence immediately after the end of the first sentence of said section and article, viz: They shall be and remain actual bona fide resident citizens of the county for which they were elected.

H. 924. To provide for the submission of a referendum to the qualified electors of all counties in the State of Alabama that had, according to the last Federal Census, a population of not less than 17,775 and not more than 18,425 inhabitants, at the time of the next general election, to determine the sentiments of the qualified electors of said counties on the question of whether or not the Superintendent of Education in said counties shall be elected by the qualified electors thereof.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF COMMITTEE OF CONFERENCE

Mr. Welch from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 147, made the following report from said committee:

CONFERENCE COMMITTEE'S REPORT ON HOUSE BILL NO. 147. TO THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF ALABAMA:

We, your Committee on Conference, appointed to consider the disagreement of the two Houses with respect to House Bill No. 147, having considered the same in conference, report thereon, and recommend as follows:

- (1) That the Senate recede from its position with respect to said bill and the amendments thereto;

- (2) That the two Houses adopt the following substitute in lieu of the bill, and the several amendments thereto.

CONFERENCE COMMITTEE'S SUBSTITUTE FOR HOUSE BILL
NO. 147.

A BILL

To be entitled An Act to further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama including Deputy Circuit Solicitors who are elected by the people, and Assistant Deputy Circuit Solicitors, and Deputy Circuit Solicitors who are not elected by the people, a part of whose salaries is paid by the State of Alabama; to provide and impose additional duties for such solicitors, deputy solicitors, and assistant deputy solicitors, and to provide for the compensation of such solicitors, deputy solicitors, and assistant deputy solicitors for such additional duties; to provide that such solicitors, deputy solicitors, and assistant deputy solicitors shall serve in any part of the State of Alabama when called upon by the Attorney General or the Governor to do so; and to provide for the payment of the necessary expenses of such solicitors, deputy solicitors, and assistant deputy solicitors when serving outside of their circuit; to prohibit all such solicitors, deputy solicitors, and assistant deputy solicitors from the practice of law, directly, or indirectly, in any of the courts of the State of Alabama, or of the United States, or in any other manner or form whatsoever, except in the performance of their official duties as such solicitor, deputy solicitor, and assistant deputy solicitor; to provide for furnishing by the State the necessary stationery, telephones, stamps, supplies, and equipment to each of the several solicitors, deputy solicitors, and assistant deputy solicitors, to require the county governing body of each county in which any such solicitor, deputy solicitor, or assistant deputy solicitor is a resident to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors, deputy solicitors, and assistant deputy solicitors, and to make provision for the payment of such salaries as well as the expenses authorized hereunder, and to provide the effective dates of this Act, and to repeal all laws, general, local, and special, and parts of such laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

SECTION 1. That in addition to the duties of circuit solicitors, and deputy circuit solicitors who are elected by the people, a portion of whose salaries is paid by the State of Alabama, and Deputy circuit solicitors, and assistant deputy circuit solicitors who now receive a portion of their salaries from the State of Alabama, and who are not elected by the people, now prescribed by law to be performed by them, they shall perform the following new and additional duties, and be subject to the following limitations and prohibitions in this Act set out;

(a) They shall whenever requested to do so by the Governor of Alabama, by the Pardon Board as now provided by law, and by any other Pardon Board, Parole Board, or any other body or agency that may be created by law to pass upon pardons and paroles, make a full and thorough investigation in each case arising in their circuit, county, or division of a county, and report their findings fully with recommendations that pardon or parole be granted or refused, and shall assign fully and in detail their reasons for such recommendations. They shall advise any parole officer who may have juris-

diction in their respective circuits, county, or division of a county, and shall when called upon by such parole officer, make a full, thorough, and impartial investigation of each case being investigated, and give to him all information possible with reference to such case, and shall advise him upon his request with reference to the law and procedure on all matters pertaining to the office of said parole officer; they shall whenever called upon by the Governor, the Board of Pardons, or Board of Paroles or Pardons, or any other board, or any other agency or department which may be set up by law to handle paroles and pardons in the State of Alabama, go to Montgomery, or to any other place where a case with which they are familiar is being investigated and appear personally before the Governor, or before such Board or agency; they shall cooperate fully with the Governor and with the Board of Pardons and Paroles and with any other board or agency that may be created to handle pardons and paroles in the State of Alabama, with reference to any cases which have arisen in their respective circuits, counties, or divisions of a county, and shall render all assistance possible in furnishing information needed by the Governor, the Board of Pardons, or any other Board or agency which may be created to handle pardons and paroles, furnishing any information and making any investigation which may be needed in the proper handling of such pardon or parole, and the investigation thereof.

(b) They shall carefully read and check the Bill of Exceptions in all criminal cases, appeal to the Supreme Court, or Court of Appeals in their respective circuits, counties, or divisions of a county, and shall call to the attention of the circuit judge, or other judge to whom the Bill of Exceptions is presented, any inaccuracies, or mistakes, or misstatements, which in their opinion may appear in such Bill of Exceptions, and shall render such services as may be necessary to see that such Bill of Exceptions is correct before being signed by such judge.

(c) They shall go to any place in the State of Alabama, and prosecute any case or cases, or work with any Grand Jury when called upon to do so by the Attorney General, or the Governor of the State of Alabama, and shall attend sessions of courts and transact all of the duties of the solicitor in such courts whenever called upon by the Attorney General or the Governor to do so.

(d) They shall devote their entire time to the discharge of the duties of their respective offices, it being understood by the Legislature that such officers have heretofore devoted only part time to the discharge of the duties of their respective offices, and each and every one of such officers are prohibited from practicing law, directly or indirectly, in any court of this state, or of the United States, or in any other manner or form whatsoever, except in the discharge of the official duties of their office.

SECTION 2. For the extra, new, and additional duties and limitations imposed on the said circuit solicitors, deputy circuit solicitors, and assistant deputy circuit solicitors, as herein provided, they shall receive the following additional compensation from the State to be paid monthly out of the State Treasury as the salaries of other state officers are paid: (a) All circuit solicitors in the state shall receive the sum of \$600.00 per annum; (b) All deputy circuit solicitors who are elected by the people, a portion of whose salaries is paid by the State of Alabama, shall receive the sum of \$600.00 per annum; (c) All deputy circuit solicitors and assistant deputy circuit solicitors who are not elected by the people, a portion of whose salaries is paid by the State of Alabama, shall receive the sum of \$300.00 per annum.

SECTION 2A. Commencing with the next term of the several offices, the several circuit solicitors, and the several deputy circuit solicitors, and the several assistant deputy circuit solicitors affected by this Act shall receive from the State of Alabama the following salaries to be paid monthly out of the State Treasury as the salaries of other State officers are paid:

(1) All circuit solicitors in the State shall receive from the State a salary of \$4800.00 per annum;

(2) All deputy circuit solicitors who are elected by the people, a portion of whose salaries is now paid by the State of Alabama, shall receive from the state a salary of \$4800.00 per annum;

(3) All deputy circuit solicitors, a portion of whose salaries is now paid by the State of Alabama, and who are not elected by the people, shall receive from the state, a salary of \$4200.00 per annum;

(4) All assistant deputy circuit solicitors who are not elected by the people, a portion of whose salaries is paid by the State of Alabama, shall receive from the State a salary of \$2400.00 per annum.

SECTION 3. When any circuit solicitor, or deputy circuit solicitor, or assistant deputy circuit solicitor, is ordered to prosecute any case or cases, or work with any Grand Jury, or discharge any other duty outside of the circuit for which he has been elected or appointed, he shall be entitled to his actual expenses for transportation, and not to exceed \$5.00 per day for hotel and meals to be rendered in an itemized account within ten days after his return home, sworn to and returned to the Attorney General, and when approved by him, the Comptroller shall draw a warrant in favor of such circuit solicitor or deputy circuit solicitor, or assistant deputy circuit solicitor for such amount as thus approved. The several counties of the state are hereby authorized, directed, and required to provide suitable offices for the use and occupancy by such solicitors, deputy solicitors, and assistant deputy circuit solicitors in the counties where such officers reside, and the state shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such officers and offices.

SECTION 4. This Act shall take effect immediately upon its approval by the Governor or upon its becoming a law without his approval; Provided, however, that subsection "d" of Section 1, and Section 2A of this Act shall not become so effective as to exclude such officers from the practice of law, or to fix the salaries as therein stated until the end of the term of the present incumbents.

SECTION 5. That all laws and parts of laws, general, local, and special, in conflict with the provisions of this Act, are hereby repealed; Provided, however, that nothing herein shall be so construed as repealing the whole of any law under which any county is supplementing the salaries or compensation of any one or more of such officers, such statutes being hereby modified only to the extent of limiting the salaries of circuit solicitors in such counties to a maximum of \$6,000.00 per annum; and, of limiting the salaries of such deputy circuit solicitors elected by the people to a maximum of \$5400.00 per annum; and, of limiting the salaries of such deputy circuit solicitors not elected by the people to a maximum of \$4500.00 per annum; and, of limiting the salaries of such assistant deputy circuit solicitors to a maximum of \$3900.00 per annum; it being the purpose of the Legislature to limit all of such officers to the maximum in this section indicated, and to repeal all laws, general, local, or special in conflict herewith; provided, further, that the laws now existing with respect to expense allowances for such officers when out of the county of their residence in the discharge of their official duties shall not be effected by this Act.

JOHN R. ROBINSON,
W. S. WELCH,
GEO. BLISS JONES,
Conferees on the part of the House.
E. F. HILDRETH,
V. W. ELMORE,

Conferees on the part of the Senate.

On motion of Mr. Welch, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 147:

By a vote of: Yeas, 60; Nays, 9.

Yeas:

Mr. Speaker	Dearman	Kaul	Sadler
Allen	Dobbs	Langan	Sanderson
Austin	Dominick	Locke	Segrest
Beck	Flowers	Lovelace	Smyer
Boswell	Garrett	Martin	Snyder
Branyon	Gewin	Mayhall	Spence
Brown (Covington)	Golson	Miller	Thomas
Brown (Lee)	Green	McCord	Tidmore
Carwile	Gwin	McDanal	Tucker
Castleberry	Hall	Nation	Walden
Christopher	Hardwick	Payne	Waldrop
Collier	Haynes	Phillips	Wallace
Cook	Hill	Pitts	Welch
Cope	Jenkins	Robertson (Cullman)	Wood
Davis (Madison)	Jones	Robinson (St. Clair)	Young

—60

Nays:

Messrs.:	Norman (Bullock)	Quarles	Sherrer
Mathews (Clarke)	Owens	Robinson (Lowndes)	Whigham
Newman	Peacock		

— 9

And said bill:

H. 147. To further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama including Deputy Circuit Solicitors who are elected by the people, and Assistant Deputy Circuit Solicitors, and Deputy Circuit Solicitors who are not elected by the people, a part of whose salaries is paid by the State of Alabama; to provide and impose additional duties for such solicitors, deputy solicitors, and assistant deputy solicitors and to provide for the compensation of such solicitors, deputy solicitors, and assistant deputy solicitors, for such additional duties; to provide that such solicitors, deputy solicitors, and assistant deputy solicitors shall serve in any part of the State of Alabama when called upon by the Attorney General or the Governor to do so; and to provide for the payment of the necessary expenses of such solicitors, deputy solicitors, and assistant deputy solicitors when serving outside of their circuit; to prohibit all such solicitors, deputy solicitors, and assistant deputy solicitors from the practice of law, directly, or indirectly, in any of the courts of the State of Alabama, or of the United States or in any other manner or form whatsoever, except in the performance of their official duties as such solicitor, deputy solicitor, and assistant deputy solicitor; to provide for furnishing by the State the necessary stationery, telephones, stamps, supplies, and equipment to

each of the several solicitors, deputy solicitors, and assistant deputy solicitors, to require the county governing body of each county in which any such solicitor, deputy solicitor, or assistant deputy solicitor is a resident to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors, deputy solicitors, and assistant deputy solicitors, and to make provision for the payment of such salaries as well as the expenses authorized hereunder, and to provide the effective dates of this Act, and to repeal all laws, general, local, and special, and parts of such laws in conflict herewith.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 62; Nays, 13.

Yeas:

Mr. Speaker	Delony	Jones	Robinson (St. Clair)
Allen	Dobbs	Kaul	Sadler
Austin	Dominick	Langan	Sanderson
Ball	Flowers	Lovelace	Segrest
Beck	Garrett	Mayhall	Spence
Boswell	Gewin	Miller	Stallings
Branyon	Golson	McCord	Thomas
Brown (Covington)	Green	McDanal	Tidmore
Brown (Lee)	Gwin	Nation	Tucker
Carwile	Hall	Owens	Walden
Castleberry	Hardwick	Payne	Waldrop
Collier	Haynes	Petrey	Wallace
Cook	Henson	Phillips	Welch
Cope	Hill	Pitts	Wood
Davis (Madison)	Hodo	Robertson (Cullman)	Young
Dearman	Jenkins		

—62

Nays:

Messrs.:	Norman (Bullock)	Robinson (Lowndes)	Weston
Mathews (Clarke)	Norman (Lowndes)	Sherrer	Whigham
Mathews (Jackson)	Peacock	Smyer	Wright
Newman	Quarles		

—13

In my opinion the recommendation contained in the foregoing report is contrary to the wishes of a majority in the House and of a strong minority in the Senate. I prefer the solution of the problem whereby solicitors would be given an increase in salary of \$600.00 per annum effective presently and continuing until October 1, 1940, at which time they would be prohibited from civil practice and receive compensation at the rate of \$4800.00 per annum; this would in so far as possible give effect to the views of both houses. I therefore respectfully dissent.

NORMAN W. HARRIS,
Conferee on the part of the Senate.

MINORITY REPORT FROM COMMITTEE OF CONFERENCE

On motion of Mr Welch, the above and foregoing report of Hon. Norman W. Harris, a member of the Senate Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 147, was laid upon the table.

BILLS ON THIRD READING

H. 873. To amend Section 34 of an Act entitled "An Act to revise and amend an Act entitled 'An Act to revise and amend Chapter 20 of the Code of 1907,' approved October 1, 1923, relating to game and fish laws" approved August 12, 1935.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Langan	Pitts
Allen	Dobbs	Langley	Quarles
Austin	Doster	Locke	Robertson (Cullman)
Bagley	Ellis	Lovell	Robinson (Lowndes)
Ball	Flowers	Matthews (Jackson)	Robinson (St. Clair)
Barnes	Garrett	Mayhall	Sadler
Boswell	Gewin	Miller	Sanderson
Brown (Covington)	Golson	McCord	Segrest
Brown (Lee)	Green	Nation	Sightler
Carwile	Gwin	Neighbors	Stallings
Castleberry	Hardwick	Norman (Bullock)	Taylor
Christopher	Haynes	Norman (Lowndes)	Tidmore
Cobb	Henson	Owens	Toomer
Collier	Hill	Payne	Wallace
Cook	Jones	Petrey	Wood
Cope	Kaul	Phillips	Young
Davis (Madison)			

—65

On motion of Mr. Toomer the bill, H. 873, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 692. To provide for the Establishment, Regulation, Protection, and Management of Wildlife Management Areas, and to provide the penalties for the violation of this act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on game, fish and Fisheries, said committee amendment being as follows:

Amend Section 4 by adding at the end of the Section. "provided that this section shall not be operative against persons traveling on State and Federal Highways within any wildlife management areas."

And the amendment reported by the Standing Committee on Game, Fish and Fisheries was adopted.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Matthews (Jackson)	Sadler
Allen	Doster	Mayhall	Sanderson
Austin	Flowers	Miller	Scott
Ball	Gewin	McCord	Sessions
Barnes	Golson	Nation	Sightler
Brown (Lee)	Graham	Newman	Spence
Carwile	Green	Norman (Bullock)	Stallings
Christopher	Gwin	Norman (Lowndes)	Taylor
Cobb	Hardwick	Owens	Thomas
Collier	Hill	Payne	Tidmore
Cope	Jenkins	Peacock	Toomer
Davis (Madison)	Jones	Phillips	Welch
Dearman	Langan	Pitts	Whigham
Delony	Locke	Quarles	Wood
Devers	Lovelace	Robertson (Cullman)	Wright
Dobbs	Martin	Robinson (Lowndes)	Young

—64

And said bill:

H. 692. To provide for the Establishment, Regulation, Protection, and Management of Wildlife Management Areas, and to provide the penalties for the violation of this act.

As amended by the amendment reported by the Standing Committee on Game, Fish and Fisheries, was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Flowers	McCord	Sanderson
Allen	Gewin	McDanal	Segrest
Austin	Golson	McGowin	Sightler
Bagley	Graham	Nation	Smyer
Ball	Gwin	Newman	Spence
Barchard	Hall	Norman (Bullock)	Stallings
Barnes	Hardwick	Norman (Lowndes)	Taylor
Brown (Covington)	Hare	Owens	Thomas
Brown (Lee)	Hill	Payne	Tidmore
Christopher	Jenkins	Petrey	Toomer
Cobb	Jones	Phillips	Walden
Cope	Kaul	Pitts	Waldrop
Davis (Madison)	Langan	Robertson (Cullman)	Welch
Dearman	Langley	Robinson (Lowndes)	Wood
Dobbs	Lovelace	Robinson (St. Clair)	Wright
Dominick	Mayhall	Sadler	Young
Doster	Miller		

—66

On motion of Mr. Mayhall the bill, H. 692, was ordered sent forthwith to the Senate without engrossment.

H. 872. To prescribe additional powers, duties and authorities of the Department of Conservation and the Director of Conservation with reference to the operation and maintenance of State Parks and the acquisition of lands for such Parks; to authorize the execution of contracts arising out of the use and ownership of such lands and the waters thereof; to authorize the adoption of rules and regulations governing the use of State Parks and to provide penalties for the violation thereof; to provide for roads and highways therein; to authorize counties and municipalities to aid in the promotion of the State Park system; and to create a State Park Fund.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	McGowin	Sightler
Allen	Graham	Nation	Smyer
Austin	Gwin	Newman	Spence
Bagley	Hardwick	Norman (Bullock)	Stallings
Barchard	Haynes	Norman (Lowndes)	Taylor
Barnes	Henson	Owens	Thomas
Branyon	Hill	Payne	Tidmore
Brown (Lee)	Hodo	Petrey	Toomer
Carwile	Jones	Phillips	Tucker
Christopher	Kaul	Pitts	Waldrop
Collier	Langan	Robertson (Cullman)	Wallace
Cope	Locke	Robinson (Lowndes)	Welch
Davis (Madison)	Mathews (Clarke)	Sadler	Whigham
Dearman	Megginson	Sanderson	Wood
Delony	Miller	Segrest	Wright
Dominick	McCord	Sessions	Young
Doster			

—65

On motion of Mr. Toomer the bill, H. 872, was ordered sent forthwith to the Senate without engrossment.

H. 851. To authorize the Department of Conservation to have complete management of and supervision over certain public lands and lands of public institutions. To authorize the Department of Conservation to have complete management of and supervision over all school lands as defined in Section 629 of the 1927 Alabama School Code, which lands are now vested in or which may hereafter be vested in the State of Alabama in trust for the use of schools; to empower the Director of Conservation to supervise the management and utilization of such lands; to authorize the Director of Conservation to sell timber or minerals from school lands or lease such lands; to provide for the clearing of title thereto; to provide for the disposition of revenues from such sales or leases and to further provide the method by which such revenue shall be appor-

tioned to the proper townships; to repeal certain Sections of the Alabama School Code; to further authorize the Department of Conservation to have complete management of and supervision over all Swamp and Overflowed Lands which are now owned or which may hereafter be owned by the State of Alabama; to empower the Director of Conservation to supervise the practice of forestry thereon; to sell all merchantable timber or minerals when in his opinion same is advisable; to provide for the disposition of revenues from such sales; to have title to such lands examined and cleared; to repeal certain Sections of the Code of Alabama; to further provide for the sale or exchange of school lands; to further provide for the disposition of the revenue from such sales and the method by which such revenue shall be apportioned to the proper townships; to provide for the lease, exchange or sale of Swamp and Overflowed Lands and provide for the disposition of revenue from such leases or sales; to further provide for the correction of the records in the Secretary of State's office which pertain to such State Lands for the purpose of facilitating the management and supervision thereof;

Was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Locke	Sightler
Allen	Dominick	Martin	Smyer
Austin	Doster	Mathews (Clarke)	Spence
Ball	Ellis	Miller	Stallings
Barnes	Flowers	McGowin	Stone
Beck	Gewin	Nation	Taylor
Branyon	Golson	Newman	Thomas
Brown (Lee)	Graham	Norman (Lowndes)	Tidmore
Carwile	Green	Owens	Toomer
Castleberry	Gwin	Payne	Tucker
Christopher	Hardwick	Phillips	Walden
Collier	Henson	Pitts	Waldrop
Cook	Hill	Robertson (Cullman)	Wallace
Cope	Jones	Robinson (Lowndes)	Welch
Davis (Madison)	Kaul	Sanderson	Wood
Dearman	Langan	Segrest	Wright
Delony	Langley	Sherrer	Young

—68

On motion of Mr. Dominick the bill, H. 851, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:—

The Senate has reconsidered the vote by which the Senate concurred in the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill,

H. 321. And the Senate has reconsidered the vote by which said bill H. 321 was again passed.

And the Senate has non-concurred in the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to said bill, H. 321 and requests a further Committee of Conference.

And the Senate has reconsidered the vote by which the Senate concurred in the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 322. And the Senate has reconsidered the vote by which said bill H. 322 was again passed.

And the Senate has non-concurred in the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 322, and requests a further Committee of Conference.

And said bills are herewith returned to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Gewin, the vote by which the bill, H. 321, was passed as amended by the Report of the Committee of Conference was reconsidered. On motion of Mr. Gewin the vote by which the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 321, was reconsidered, and on motion of Mr. Gewin the House non-concurred in the report of the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the Bill, H. 321. On motion of Mr. Gewin the House acceded to the request of the Senate for a further Committee of Conference.

The Speaker named as a Committee of Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 321: Messrs. Gewin, Miller and Smyer.

On motion of Mr. Gewin, the vote by which the bill, H. 322, was passed as amended by the report of the Committee of Conference was reconsidered. On motion of Mr. Gewin the vote by which the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 322, was reconsidered, and on motion of Mr. Gewin the House non-concurred in the report of the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 322. On mo-

tion of Mr. Gewin the House acceded to the request of the Senate for a further Committee of Conference.

The Speaker named a Committee of Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 322, Messrs. Gewin, Miller and Smyer.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has appointed Messrs. Stakely, Harrison and Hildreth as conferees on the part of the Senate for further Conference on the bills:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 926. To authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

Was taken up. Mr. Jones offered the following substitute for the bill, H. 926:

A BILL

To be entitled An Act to authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or re-

tiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

Be it enacted by the Legislature of Alabama:

Section 1. There are hereby authorized to be issued at one time or from time to time not exceeding \$900,000 aggregate principal amount of bonds of the State of Alabama for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939. The bonds hereby authorized shall be general obligations of the State of Alabama, and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment of the principal of and interest on said proposed bonds as such principal and interest mature and become due. All of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of a sufficient amount of the proceeds of the gasoline excise tax pledged to the payment of the highways bonds authorized by the amendment to the Constitution of the State of Alabama known as Article XX-A, subject, however, to the prior pledge of said gasoline excise tax to the payment of said highway bonds. The bonds hereby authorized and the interest thereon shall be forever exempt from the payment of all taxes of every kind. Said bonds may be used as security for the deposit of State Funds.

Section 2. Said bonds shall be negotiable bonds, and shall mature annually at such times and in such amounts over a period of not exceeding fifteen years, shall bear interest at a rate of not exceeding three per centum (3%) per annum, payable semi-annually, shall be payable to bearer with coupons attached and contain provisions for registration as to principal only or as to principal and interest, shall be payable in lawful money of the United State of America at such place or places, within or without the State of Alabama, shall be non-callable in advance of maturity or contain any provision for redemption in advance of maturity, with or without a premium, all as the Governor, the Director of Finance and the State Treasurer may determine and designate.

Section 3. Said bonds shall be signed in the name of the State of Alabama by the Governor and countersigned either by the State

Treasurer or by the Director of Finance, shall be sealed with the great seal of the State of Alabama, and shall be attested by the Secretary of State. The coupons attached to said bonds shall be executed with the facsimile signature of either the State Treasurer or the Director of Finance or both.

Section 4. Any of said bonds which are issued otherwise than in exchange for outstanding bonds shall be sold by the Governor, the Director of Finance and the State Treasurer to the highest bidder at public sale, unless sold within thirty days after the failure to receive any legally acceptable bid at a duly advertised public sale in accordance with the provisions of this section. The public sale shall be either on sealed bids or at auction. The notice of public sale shall state whether the sale is to be on sealed bids or at auction, shall state the amount of bonds to be sold, the maturities thereof, the amount payable at each maturity, and either the rate of interest which the bonds are to bear or that the bidders are invited to name the rate of interest in their bids, shall state the amount of the certified check required to be deposited to qualify a bidder, and shall also state the time and place of sale or for submitting sealed bids. Said notice shall be published once in each of two consecutive weeks in a newspaper published in the State of Alabama. The first of such two publications shall be not less than ten days before the last date for submitting bids, if the sale is on sealed bids, or the date of sale, if the sale is at auction. The Governor, the Director of Finance and the State Treasurer shall have the right to reject all bids, and they shall require all bids to be accompanied by a certified check in such amount as they may prescribe, which amount shall be sufficient to compensate the State of Alabama for the probable loss to it in the event that a successful bidder fails to take up and pay for the bonds as required. In the event that any successful bidder shall fail to take up and pay for any of such bonds as required, the certified check of such bidder shall be forfeited to the State of Alabama. No bond shall be sold at less than the par value thereof.

Section 5. Such bonds as shall have been sold shall be delivered in such manner and at such time or times as the Governor, the Director of Finance and the State Treasurer may direct. The payment for bonds sold under the provisions of this Act shall be made to the State Treasurer, who shall give a receipt therefor, which receipt shall be full acquittal to the purchaser for the purchase price of said bonds. The State Treasurer shall deposit or hold the proceeds of such bonds in a separate trust fund, to be used solely for the payment or retirement of designated bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939. Accrued interest on any bonds so sold and delivered shall be paid by the purchaser thereof to the

State Treasurer and shall be held by the State Treasurer in a special trust fund to be used solely for the payment of interest on such bonds sold and delivered.

Section 6. Anything in the two preceding sections to the contrary notwithstanding, and bond or bonds authorized by this Act may be exchanged for a bond or bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, of a like principal amount but only if the Governor, the Director of Finance and the State Treasurer shall determine, on the basis of bids received at a prior public sale, that a better net price could not be received if such bond or bonds should be offered at a public sale. The redemption premium on any such outstanding bond may be paid in cash from any available funds.

Section 7. The Governor, the Director of Finance and the State Treasurer may, at any time in their discretion, purchase any of the bonds of Alabama Bridge Commission (an Agent of the State of Alabama), at a price or prices not exceeding par plus the redemption premium on said bonds plus accrued interest. For such purpose they may use any available funds, including, but without limiting the generality of the foregoing, the proceeds of any bonds issued under the provisions of this Act.

Section 8. The State Treasurer shall furnish to the Director of Finance a record of all bonds sold or issued or exchanged hereunder, the date of sale, exchange or issuance, the purchase price received therefor, the amount received as accrued interest thereon, the bonds paid or retired therewith and the date of such payment or retirement. All bonds and interest coupons paid or retired shall be cremated by the State Treasurer in the presence of the Attorney General and the Director of Finance and such officers shall execute a certificate of cremation which shall describe the bonds cremated and which shall be filed in the office of the Director of Finance.

Section 9. Any action required to be taken or any determination or decision required to be made by two or more officers by the provisions of this Act shall be incontestible if such officers sign a paper setting forth the action taken or the determination made. In the event of the incapacity, absence from the State or illness of any officer required or authorized to take any action or make any determination or decision under this Act or in the event that the office of any such officer shall for any reason be vacant, the officer or person acting in the place or stead of such officer shall have full power and authority to act in his place and take any action or make any determination or decision under the provisions of this Act.

Section 10. If any provision of this Act or the application thereof to any person, situation or circumstance shall be adjudged invalid, such adjudication shall not affect the remaining provisions nor the application of the provision with respect to which such adjudication was made to any other person, situation or circumstance.

Section 11. All laws or parts of laws in conflict with any provision of this Act are, to the extent of such conflict, hereby repealed.

Section 12. This Act shall take effect on and immediately after the adoption of any amendment to the Constitution of the State of Alabama authorizing the issuance of bonds of the State for the purpose of paying or retiring any outstanding bonds of Alabama Bridge Commission (an Agent of the State of Alabama).

And the substitute offered by Mr. Jones for the bill, H. 926, was adopted.

Yeas, 68; Nays, 2.

Yeas:

Mr. Speaker	Delony	Miller	Smyer
Allen	Devers	Nation	Snyder
Austin	Dobbs	Norman (Bullock)	Spence
Bagley	Ellis	Norman (Lowndes)	Stallings
Ball	Flowers	Payne	Stone
Beck	Golson	Petrey	Thomas
Branyon	Graham	Phillips	Tidmore
Brown (Covington)	Gwin	Pitts	Toomer
Brown (Lee)	Hare	Quarles	Tucker
Carwile	Hill	Robertson (Cullman)	Walden
Chewning	Jones	Robinson (Lowndes)	Waldrop
Christopher	Kaul	Sadler	Wallace
Cobb	Langan	Scott	Welch
Collier	Locke	Segrest	Whigham
Cope	Lovelace	Sessions	Wood
Davis (Madison)	Martin	Sherrer	Wright
Dearman	Mayhall	Sightler	Young

—68

Nays: Messrs. Boswell, Peacock

— 2

And said bill:

H. 926. To authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

As amended by the substitute offered by Mr. Jones, was read a third time at length and passed.

Yeas, 64; Nays, 2.

Yeas:

Mr. Speaker	Ellis	Martin	Sessions
Ball	Flowers	Mayhall	Smyer
Beck	Golson	Miller	Spence
Branyon	Graham	McCord	Stallings
Brown (Lee)	Green	Nation	Stone
Chewning	Gwin	Newman	Tidmore
Christopher	Hall	Norman (Lowndes)	Toomer
Clayton	Hare	Owens	Tucker
Cobb	Hill	Payne	Walden
Collier	Jenkins	Petrey	Waldrop
Davis (Madison)	Jones	Phillips	Wallace
Delony	Kaul	Pitts	Welch
Devers	Langan	Robertson (Cullman)	Whigham
Dobbs	Langley	Robinson (Lowndes)	Wood
Dominick	Locke	Scott	Wright
Doster	Loveland	Segrest	Young

—64

Nays: Messrs. Boswell, Peacock

— 2

On motion of Mr. Jones the bill, H. 926, was ordered sent forthwith to the Senate without engrossment.

H. 944. To authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

Was taken up. Mr. Jones offered the following substitute for the bill, H. 944:

A BILL,

To be entitled An Act to authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama State Bridge Corporation

and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

Be it enacted by the Legislature of Alabama:

Section 1. There are hereby authorized to be issued at one time or from time to time not exceeding \$5,000,000 aggregate principal amount of bonds of the State of Alabama for the purpose of paying or retiring, prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. The bonds hereby authorized shall be general obligations of the State of Alabama, and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment of the principal of and interest on said proposed bonds as such principal and interest mature and become due. All of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of a sufficient amount of the proceeds of the gasoline excise tax pledged to the payment of the highways bonds authorized by the amendment to the Constitution of the State of Alabama known as Article XX-A, subject, however, to the prior pledge of said gasoline excise tax to the payment of said highway bonds. The bonds hereby authorized and the interest thereon shall be forever exempt from the payment of all taxes of every kind. Said bonds may be used as security for the deposit of State Funds.

Section 2. Said bonds shall be negotiable bonds, and shall mature annually at such times and in such amounts over a period of not exceeding fifteen years, shall bear interest at a rate of not exceeding three per centum (3%) per annum, payable semi-annually, shall be payable to bearer with coupons attached and contain provisions for registration as to principal only or as to principal and interest, shall be payable in lawful money of the United State of America at such place or places, within or without the State of Alabama, shall be noncallable in advance of maturity or contain any provision for redemption in advance of maturity, with or without a premium, all as the Governor, the Director of Finance and the State Treasurer may determine and designate.

Section 3. Said bonds shall be signed in the name of the State of Alabama by the Governor and countersigned either by the State

Treasurer or by the Director of Finance or both, shall be sealed with the great seal of the State of Alabama, and shall be attested by the Secretary of State. The coupons attached to said bonds shall be executed with the facsimile signature of either the State Treasurer or the Director of Finance or both. In the event of the incapacity, absence from the State or illness of any such officers or in the event that the office of any of such officers shall or any reason be vacant, the officer or person acting in the place or stead of such officer shall have the authority to perform in his place the act or acts provided in this section.

Section 4. Any of said bonds which are issued otherwise than in exchange for outstanding bonds shall be sold by the Governor, the Director of Finance and the State Treasurer to the highest bidder at public sale, unless sold within thirty days after the failure to receive any acceptable bid at a duly advertised public sale. The public sale shall be either on sealed bids or at auction. The notice of public sale shall state whether the sale is to be on sealed bids or at auction, shall estimate the amount of bonds to be sold and the probable maturities thereof and either the rate of interest which the bonds are to bear or that the bidders are invited to name the rate of interest in their bids, shall state the amount of the certified check required to be deposited to qualify a bidder, and shall also state the time and place of sale. Said notice shall be published once in each of two consecutive weeks in a newspaper published in the State of Alabama. The first of such two publications shall be not less than ten days before the date of sale. No such sale shall be invalid because a different amount of bonds or bonds having different maturities from those stated in the notice of sale are then sold. The Governor, the Director of Finance and the State Treasurer shall have the right to reject all bids, and they shall require all bids to be accompanied by a certified check in such amount as they may prescribe. In the event that any successful bidder shall fail to take up and pay for any of such bonds as required, the certified check of such bidder shall be forfeited to the State of Alabama. No bond shall be sold at less than the par value thereof.

Section 5. Such bonds as shall have been sold shall be delivered in such manner and at such time or times as the Governor, the Director of Finance and the State Treasurer may direct. The payment for bonds sold under the provisions of this Act shall be made to the State Treasurer, who shall give a receipt therefor, which receipt shall be full acquittal to the purchaser for the purchase price of said bonds. The State Treasurer shall deposit or hold the proceeds of such bonds in a separate trust fund, to be used solely for the payment or retirement of designated bonds of the Alabama State Bridge Corporation or the Alabama Bridge Authority, In-

corporated, which were outstanding on July 1, 1939. Accrued interest on any bonds so sold and delivered shall be paid by the purchaser thereof to the State Treasurer and shall be held by the State Treasurer in a special trust fund to be used solely for the payment of interest on such bonds sold and delivered.

Section 6. Anything in the two preceding sections to the contrary notwithstanding, any bond or bonds authorized by this Act may be exchanged for a bond or bonds of the Alabama State Bridge Corporation or the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, of a like principal amount but only if the Governor, the Director of Finance and the State Treasurer shall determine, on the basis of bids received at a prior public sale, that a better net price could not be received if such bond or bonds should be offered at a public sale. The redemption premium on any such outstanding bond may be paid in cash from any available funds.

Section 7. The Governor, the Director of Finance and the State Treasurer may, at any time in their discretion, purchase any of the bonds of the Alabama State Bridge Corporation or of the Alabama Bridge Authority, Incorporated, at a price or prices not exceeding par plus the redemption premium on said bonds plus accrued interest. For such purpose they may use any available funds, including, but without limiting the generality of the foregoing, the proceeds of any bonds issued under the provisions of this Act.

Section 8. The State Treasurer shall furnish to the Director of Finance a record of all bonds sold or issued or exchanged hereunder, the date of sale, exchange or issuance, the purchase price received therefor, the amount received as accrued interest thereon, the bonds paid or retired therewith and the date of such payment or retirement. All bonds and interest coupons paid or retired shall be cremated by the State Treasurer in the presence of the Attorney General and the Director of Finance and such officers shall execute a certificate of cremation which shall describe the bonds cremated and which shall be filed in the office of the Director of Finance.

Section 9. Any action required to be taken or any determination or decision required to be made by two or more officers by the provisions of this Act shall be incontestible if such officers sign a paper setting forth the action taken or the determination made. In the event of the incapacity, absence from the State or illness of any officer required or authorized to take any action or make any determination or decision under this Act or in the event that the office of any such officer shall for any reason be vacant, the officer or person acting in the place or stead of such officer shall have full power and authority to act in his place and take any action or make any determination or decision under the provisions of this Act.

Section 10. If any provision of this Act or the application thereof to any person, situation or circumstance shall be adjudged invalid, such adjudication shall not affect the remaining provisions nor the application of the provision with respect to which such adjudication was made to any other person, situation, or circumstance.

Section 11. All laws or parts of laws in conflict with any provision of this Act are, to the extent of such conflict, hereby repealed.

Section 12. This Act shall take effect on and immediately after the adoption of any amendment to the Constitution of the State of Alabama authorizing the issuance of bonds of the State for the purpose of paying or retiring any outstanding bonds of the Alabama State Bridge Corporation or the Alabama Bridge Authority, Incorporated.

And the substitute offered by Mr. Jones for the bill, H. 944, was adopted.

Yeas, 69; Nays, 1.

Yeas:

Mr. Speaker
Allen
Ball
Barnes
Beck
Brown (Covington)
Brown (Lee)
Carwile
Castleberry
Chewning
Christopher
Cobb
Collier
Cope
Davis (Madison)
Dearman
Delony
Devers

Dobbs
Dominick
Ellis
Flowers
Garrett
Gwin
Graham
Graves
Gwin
Hare
Hill
Jenkins
Jones
Kaul
Langan
Langley

Locke
Lovelace
Martin
Mathews (Clarke)
Matthews (Jackson)
Mayhall
Miller
McCoid
McGowin
Nation
Norman (Bullock)
Norman (Lowndes)
Payne
Pitts
Robertson (Cullman)
Robinson (Lowndes)
Sadler

Scott
Segrest
Smyer
Spence
Stallings
Stone
Taylor
Tidmore
Tucker
Walden
Waldrop
Wallace
Welch
Whigham
Wright
Young

—69

Nay: Mr. Peacock

— 1

And said bill:

H. 944. To authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of the Ala-

bama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

As amended by the substitute offered by Mr. Jones, was read a third time at length and passed.

Yeas, 69; Nays, 1.

Yeas:

Mr. Speaker	Dobbs	Locke	Scott
Allen	Dominick	Lovelace	Segrest
Ball	Ellis	Martin	Sightler
Barnes	Flowers	Mathews (Clarke)	Smyer
Beck	Garrett	Matthews (Jackson)	Spence
Brown (Covington)	Gewin	Mayhall	Stallings
Brown (Lee)	Golson	Miller	Stone
Carwile	Graham	McCord	Taylor
Castleberry	Graves	McGowin	Tidmore
Chewning	Gwin	Nation	Tucker
Christopher	Hare	Norman (Bullock)	Walden
Cobb	Hill	Norman (Lowndes)	Waldrop
Collier	Jenkins	Payne	Wallace
Cope	Jones	Pitts	Welch
Davis (Madison)	Kaul	Robertson (Cullman)	Whigham
Dearman	Langan	Robinson (Lowndes)	Wright
Delony	Langley	Sadler	Young
Devers			

—69

Nay: Mr. Peacock

— 1

On motion of Mr. Jones the bill, H. 944, was ordered sent forthwith to the Senate without engrossment.

H. 511. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Was read a third time at length and passed.

Yeas, 94; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Graham	Lovelace
Allen	Collier	Graves	Martin
Austin	Cook	Green	Mathews (Clarke)
Bagley	Cope	Gwin	Matthews (Jackson)
Ball	Davis (Madison)	Hall	Mayhall
Barchard	Dearman	Hardwick	Miller
Barnes	Delony	Hare	McCord
Beck	Devers	Henson	McDanal
Boswell	Dobbs	Hill	McGowin
Branyon	Dominick	Hodo	Nation
Brown (Covington)	Doster	Jenkins	Neighbors
Brown (Lee)	Ellis	Jones	Newman
Carwile	Flowers	Kaul	Norman (Bullock)
Castleberry	Garrett	Langan	Norman (Lowndes)
Chewning	Gewin	Langley	Owens
Christopher	Golson	Locke	Payne

Peacock	Sanderson	Stone	Waldrop
Petrey	Scott	Taylor	Wallace
Phillips	Segrest	Thomas	Welch
Pitts	Sessions	Tidmore	Whigham
Robertson (Cullman)	Sightler	Toomer	Wood
Robinson (Lowndes)	Smyer	Tucker	Wright
Robinson (St. Clair)	Snyder	Walden	Young
Sadler	Spence		

—94

On motion of Mr. Hodo the bill, H. 511, was ordered sent forthwith to the Senate without engrossment.

H. 818. To amend Section 5, House Bill 255 approved October 5th, 1932, entitled "An Act to regulate the transportation delivery, storage or sale of gasoline and other motor fuels in this State etc." General Acts Extra Session of the Legislature of 1932.

Was read a third time at length and passed.

Yeas, 81; Nays, 0.

Yeas:

Mr. Speaker	Devers	Mayhall	Sherrer
Allen	Dobbs	Miller	Sightler
Austin	Dominick	McCord	Smyer
Bagley	Doster	McGowin	Snyder
Ball	Ellis	Nation	Spence
Barchard	Flowers	Neighbors	Stallings
Barnes	Garrett	Newman	Stone
Beck	Gwin	Norman (Lowndes)	Taylor
Booth	Hardwick	Owens	Thomas
Boswell	Hill	Payne	Toomer
Branyon	Hodo	Pitts	Tucker
Carwile	Jenkins	Pool	Walden
Castleberry	Jones	Robertson (Cullman)	Waldrop
Chewning	Langan	Robinson (Lowndes)	Wallace
Christopher	Langley	Robinson (St. Clair)	Welch
Cobb	Locke	Sadler	Whigham
Collier	Lovelace	Sanderson	White
Cook	Martin	Scott	Wood
Cope	Mathews (Clarke)	Segrest	Wright
Davis (Madison)	Matthews (Jackson)	Sessions	Young
Delony			

—81

On motion of Mr. Tucker the bill, H. 818, was ordered sent forthwith to the Senate without engrossment.

H. 827. To amend an Act entitled "An Act to Amend Schedule 154 of Article XIII, Chapter 1, of Section 348 of an Act approved July 10, 1935, entitled 'An Act to Provide for the General Revenue of the State of Alabama,'" approved February 2, 1937.

Was read a third time at length and passed.

Yeas, 82; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Martin	Sadler
Allen	Dominick	Mathews (Clarke)	Sanderson
Austin	Doster	Mayhall	Scott
Bagley	Ellis	Miller	Segrest
Ball	Flowers	McCord	Sessions
Barnes	Garrett	McDanal	Sherrer
Beck	Gewin	McGowin	Sightler
Branyon	Golson	Nation	Smyer
Brown (Covington)	Graham	Neighbors	Snyder
Brown (Lee)	Green	Newman	Spence
Carwile	Gwin	Norman (Bullock)	Stallings
Castleberry	Hall	Norman (Lowndes)	Stone
Chewning	Hardwick	Payne	Taylor
Christopher	Hill	Peacock	Toomer
Collier	Jenkins	Petrey	Tucker
Cook	Jones	Phillips	Wallace
Cope	Kaul	Pitts	Welch
Davis (Madison)	Langan	Robertson (Cullman)	Whigham
Dearman	Langley	Robinson (Lowndes)	Wright
Delony	Locke	Robinson (St. Clair)	Young
Devers	Lovelace		

—82

On motion of Mr. Merrill the bill, H. 827, was ordered sent forthwith to the Senate without engrossment.

H. 869. To amend an Act entitled "An Act to amend Schedule 154 of Article XIII, Chapter 1, of Section 348 of an Act approved July 10, 1935 entitled 'An Act to Provide for the General Revenue of the State of Alabama' approved February 2, 1937":

Was read a third time at length and passed.

Yeas, 78; Nays, 0.

Yeas:

Mr. Speaker	Devers	Mathews (Clarke)	Sessions
Allen	Dobbs	Miller	Sherrer
Austin	Dominick	McDanal	Sightler
Bagley	Doster	McGowin	Smyer
Ball	Flowers	Nation	Snyder
Barnes	Garrett	Neighbors	Spence
Boswell	Gewin	Newman	Stallings
Branyon	Golson	Norman (Bullock)	Stone
Brown (Covington)	Graham	Norman (Lowndes)	Taylor
Brown (Lee)	Green	Owens	Thomas
Carwile	Gwin	Peacock	Tidmore
Chewning	Hall	Phillips	Toomer
Christopher	Hardwick	Pitts	Tucker
Cobb	Hare	Robertson (Cullman)	Waldrop
Collier	Hill	Robinson (Lowndes)	Wallace
Cook	Jenkins	Robinson (St. Clair)	Welch
Cope	Kaul	Sadler	Whigham
Davis (Madison)	Langan	Scott	Wright
Dearman	Locke	Segrest	Young
Delony	Lovelace		

—78

On motion of Mr. Smyer the bill, H. 869, was ordered sent forthwith to the Senate without engrossment.

H. 937. To provide a use tax upon tobacco products; to require returns showing the amount of such tax; to provide assessment of such tax and appeals therefrom; to provide execution and garnishment for the collection of such tax; to provide that such tax shall constitute a debt secured by a lien; to require the preservation and inspection of records and provide penalties for the failure thereof; to provide for the disposition of revenues so collected.

Was read a third time at length and passed.

Yeas, 76; Nays, 1.

Yeas:

Mr. Speaker	Dobbs	Langan	Sadler
Allen	Dominick	Langley	Scott
Austin	Doster	Lovelace	Segrest
Ball	Ellis	Mathews (Clarke)	Sessions
Barchard	Flowers	Mathews (Jackson)	Sightler
Barnes	Garrett	Mayhall	Spence
Branyon	Gewin	Miller	Stallings
Brown (Lee)	Golson	McCord	Stone
Carwile	Graham	McDanal	Taylor
Chewning	Graves	McGowin	Tidmore
Christopher	Green	Nation	Tucker
Cobb	Gwin	Neighbors	Waldrop
Collier	Hall	Norman (Bullock)	Wallace
Cook	Hardwick	Norman (Lowndes)	Welch
Cope	Hare	Owens	Weston
Davis (Madison)	Hill	Pitts	Whigham
Dearman	Jenkins	Robertson (Cullman)	Wood
Delony	Jones	Robinson (Lowndes)	Wright
Devers	Kaul	Robinson (St. Clair)	Young

—76

Nay: Mr. Peacock

— 1

On motion of Mr. McGowin the bill, H. 937, was ordered sent forthwith to the Senate without engrossment.

H. 829. To amend Section 345.28 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 83; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Locke	Pool
Allen	Devers	Lovelace	Quarles
Austin	Dobbs	Martin	Robertson (Cullman)
Bagley	Dominick	Mathews (Clarke)	Robinson (Lowndes)
Ball	Doster	Matthews (Jackson)	Robinson (St. Clair)
Barchard	Ellis	Mayhall	Sadler
Barnes	Flowers	Miller	Scott
Booth	Garrett	McCord	Sherrer
Boswell	Gewin	McDanal	Smyer
Branyon	Golson	McGowin	Snyder
Brown (Covington)	Graves	Nation	Spence
Brown (Lee)	Gwin	Neighbors	Stone
Carwile	Hardwick	Newman	Taylor
Castleberry	Hare	Norman (Bullock)	Tidmore
Chewning	Haynes	Norman (Lowndes)	Tucker
Christopher	Henson	Owens	Walden
Clayton	Hill	Payne	Wallace
Cobb	Hodo	Peacock	Welch
Cook	Jones	Petrey	Wright
Cope	Kaul	Phillips	Young
Davis (Madison)	Langan	Pitts	

—83

On motion of Mr. Snyder the bill, H. 829, was ordered sent forthwith to the Senate without engrossment.

H. 887. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 82; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Locke	Robinson (St. Clair)
Allen	Dearman	Lovelace	Sadler
Austin	Devers	Martin	Sanderson
Bagley	Dobbs	Mathews (Clarke)	Scott
Ball	Dominick	Matthews (Jackson)	Segrest
Barchard	Doster	Mayhall	Sessions
Barnes	Flowers	Miller	Sightler
Beck	Garrett	McGowin	Smyer
Booth	Graham	Nation	Snyder
Boswell	Graves	Neighbors	Spence
Branyon	Gwin	Newman	Stallings
Brown (Covington)	Hall	Norman (Bullock)	Stone
Brown (Lee)	Hardwick	Owens	Taylor
Carwile	Hare	Payne	Thomas
Castleberry	Haynes	Petrey	Tidmore
Chewning	Henson	Phillips	Tucker
Clayton	Hill	Pitts	Waldrop
Cobb	Hodo	Pool	Wallace
Collier	Jones	Robertson (Cullman)	Welch
Cook	Kaul	Robinson (Lowndes)	Wright
Cope	Langan		

—82

On motion of Mr. Gewin the bill, H. 887, was ordered sent forthwith to the Senate without engrossment.

H. 892. To Amend Schedule 158.10 of Section 348, Article XIII, Chapter 6, of an Act "To provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 80; Nays, 1.

Yeas:

Mr. Speaker	Delony	Jones	Robinson (Lowndes)
Allen	Devers	Kaul	Sadler
Austin	Dobbs	Langan	Scott
Bagley	Dominick	Langley	Segrest
Ball	Doster	Locke	Sessions
Barchard	Ellis	Lovelace	Sightler
Barnes	Flowers	Martin	Smyer
Beck	Garrett	Mathews (Clarke)	Snyder
Booth	Gewin	Mavhall	Spence
Boswell	Graves	McDanal	Stallings
Branyon	Green	McGowin	Stone
Brown (Lee)	Gwin	Nation	Taylor
Carwile	Hall	Newman	Thomas
Chewning	Hardwick	Norman (Bullock)	Tidmore
Clayton	Hare	Norman (Lowndes)	Toomer
Cobb	Haynes	Owens	Tucker
Collier	Henson	Payne	Waldrop
Cook	Hill	Petrey	Welch
Cope	Hodo	Pitts	Wright
Dearman	Jenkins	Robertson (Cullman)	Young

—80

Nays: Mr. Peacock

— 1

On motion of Mr. Hardwick the bill, H. 892, was ordered sent forthwith to the Senate without engrossment.

H. 893. To amend subsection (f) of Section V of an act approved February 8, 1939, entitled "An Act to further provide for the general revenue of the State of Alabama."

Was read a third time at length and passed.

Yeas, 68; Nays, 1.

Yeas:

Mr. Speaker	Brown (Covington)	Cook	Ellis
Allen	Brown (Lee)	Cope	Flowers
Bagley	Carwile	Davis (Madison)	Gewin
Barchard	Castleberry	Dearman	Golson
Barnes	Chewning	Delony	Gwin
Beck	Christopher	Devers	Hardwick
Boswell	Clayton	Dominick	Haynes
Branyon	Collier	Doster	Hill

Jenkins	Nation	Robinson (Lowndes)	Stone
Jones	Neighbors	Sanderson	Thomas
Kaul	Newman	Scott	Tidmore
Locke	Norman (Bullock)	Segrest	Toomer
Lovell	Norman (Lowndes)	Sessions	Waldrop
Matthews (Jackson)	Owens	Sightler	Welch
Mayhall	Payne	Smyer	Wood
Miller	Pitts	Spence	Wright
McCord	Robertson (Cullman)	Stallings	Young

—68

Nays: Mr. Peacock

— 1

On motion of Mr. Hardwick, the bill H. 893, was ordered sent forthwith to the Senate without engrossment.

H. 904. To amend Schedule 158.11 of Chapter 6, Article 13 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 53; Nays, 6.

Yeas:

Mr. Speaker	Davis (Madison)	Jones	Sadler
Austin	Dearman	Langan	Sanderson
Bagley	Delony	Lovell	Scott
Ball	Dominick	Mathews (Clarke)	Sessions
Barchard	Flowers	Mil'ner	Sightler
Barnes	Garrett	Nation	Smyer
Beck	Golson	Neighbors	Spence
Branyon	Graves	Norman (Bullock)	Stone
Brown (Covington)	Hall	Owens	Toomer
Brown (Lee)	Hardwick	Payne	Tucker
Carwile	Haynes	Petrey	Waldrop
Chewning	Hill	Phillips	Welch
Christopher	Hodo	Robertson (Cullman)	Wright
Cope			

—53

Nays:

Messrs.:	Locke	Newman	Sherrer
Cobb	Matthews (Jackson)	Peacock	

— 6

On motion of Mr. Smyer the bill, H. 904, was ordered sent forthwith to the Senate without engrossment.

Mr. Gewin, from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 321 made the following:

REPORT OF COMMITTEE OF CONFERENCE

Mr. President,

Mr. Speaker:

Your Committee of Conference on the disagreement of the two Houses on the Senate amendments to the bill, H. 321, recommend as follows:

(1) We recommend that the Senate recede from its amendments to said bill, H. 321.

(2) We recommend that the bill be passed without Senate amendments by both houses.

E. F. HILDRETH,
KARL C. HARRISON,
C. A. STAKELY,
Conferees on the part of the Senate.
GEO. O. MILLER,
WALTER P. GEWIN,
S. W. SMYER,
Conferees on the part of the House.

On motion of Mr. Gewin, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 321.

Yeas, 65; Nays, 7.

Yeas:

Mr. Speaker	Dobbs	Miller	Snyder
Allen	Dominick	McCord	Spence
Bagley	Flowers	Nation	Stallings
Ball	Garrett	Neighbors	Stone
Barchard	Gewin	Newman	Taylor
Branyon	Golson	Owens	Thomas
Brown (Covington)	Graves	Payne	Tidmore
Brown (Lee)	Hill	Phillips	Toomer
Carwile	Jones	Pitts	Tucker
Castleberry	Kaul	Robertson (Cullman)	Waldrop
Christopher	Langan	Sadler	Wallace
Cobb	Locke	Sanderson	Welch
Collier	Lovell	Scott	Whigham
Cope	Martin	Segrest	Wood
Dearman	Matthews (Jackson)	Sightler	Wright
Delony	Mayhall	Smyer	Young
Devers			

—65

Nays:

Messrs.:	Graham	Mathews (Clarke)	Peacock
Barnes	Hardwick	Norman (Bullock)	Robinson (Lowndes)

— 7

And said bill:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 65; Nays, 7.

Yeas:

Mr. Speaker	Dobbs	Miller	Snyder
Allen	Dominick	McCord	Spence
Bagley	Flowers	Nation	Stallings
Ball	Garrett	Neighbors	Stone
Barchard	Gewin	Newman	Taylor
Branyon	Golson	Owens	Thomas
Brown (Covington)	Graves	Payne	Tidmore
Brown (Lee)	Hill	Phillips	Toomer
Carwile	Jones	Pitts	Tucker
Castleberry	Kaul	Robertson (Cullman)	Waldrop
Christopher	Langan	Sadler	Wallace
Cobb	Locke	Sanderson	Welch
Collier	Lovelace	Scott	Whigham
Cope	Martin	Segrest	Wood
Dearman	Matthews (Jackson)	Sightler	Wright
Delony	Mayhall	Smyer	Young
Devers			

—65

Nays:

Messrs.:	Graham	Mathews (Clarke)	Peacock
Barnes	Hardwick	Norman (Bullock)	Robinson (Lowndes)

— 7

Mr. Gewin, from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 322, made the following report:

REPORT OF COMMITTEE OF CONFERENCE

Mr. President,

Mr. Speaker:

Your Committee of Conference on the disagreement of the two Houses on the Senate amendments to the bill, H. 322, recommend as follows:

(1) We recommend that the Senate recede from its amendments to said bill, H. 322.

(2) We recommend that the bill be passed without Senate amendments by both houses.

E. F. HILDRETH,
KARL C. HARRISON,
C. A. STAKELY,
Conferees on the part of the Senate.
GEO. O. MILLER,
WALTER P. GEWIN,
S. W. SMYER,
Conferees on the part of the House.

On motion of Mr. Gewin, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 322;

Yeas, 54; Nays, 7.

Yeas:

Mr. Speaker	Dominick	Miller	Sightler
Allen	Flowers	McCord	Smyer
Bagley	Garrett	Nation	Spence
Ball	Gewin	Neighbors	Stallings
Branyon	Golson	Norman (Lowndes)	Taylor
Brown (Covington)	Graves	Payne	Thomas
Carwile	Hall	Phillips	Tidmore
Cobb	Hill	Pitts	Toomer
Cope	Jones	Robinson (Lowndes)	Tucker
Davis (Madison)	Kaul	Sadler	Wallace
Dearman	Langan	Sanderson	Welch
Delony	Locke	Scott	Wood
Devers	Martin	Segrest	Wright
Dobbs	Mayhall		

—54

Nays:

Messrs.:	Hardwick	Norman (Bullock)	Robinson (Lowndes)
Barnes	Mathews (Clarke)	Peacock	Sherrer

— 7

And said bill:

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

As amended by the Report of the Committee of Conference was again read a third time and passed.

Yeas, 54; Nays, 7.

Yeas:

Mr. Speaker	Dominick	Miller	Sightler
Allen	Flowers	McCord	Smyer
Bagley	Garrett	Nation	Spence
Ball	Gewin	Neighbors	Stallings
Branyon	Golson	Norman (Lowndes)	Taylor
Brown (Covington)	Graves	Payne	Thomas
Carwile	Hall	Phillips	Tidmore
Cobb	Hill	Pitts	Toomer
Cope	Jones	Robertson (Cullman)	Tucker
Davis (Madison)	Kaul	Sadler	Wallace
Dearman	Langan	Sanderson	Welch
Delony	Locke	Scott	Wood
Devers	Martin	Segrest	Wright
Dobbs	Mayhall		

—54

Nays:

Messrs.:	Hardwick	Norman (Bullock)	Robinson (Lowndes)
Barnes	Mathews (Clarke)	Peacock	Sherrer

— 7

BILL ON THIRD READING

H. 896. To amend an Act of the Legislature of Alabama approved March 26, 1936, entitled "An Act to amend Section 3 of Article 1 of an act entitled 'An Act to provide for the general revenue of the State of Alabama,' approved July 10, 1935."

Was read a third time at length and passed.

Yeas, 56; Nays, 3.

Yeas:

Mr. Speaker	Ellis	Matthews (Jackson)	Scott
Allen	Garrett	Miller	Segrest
Austin	Gewin	McCord	Sightler
Ball	Golson	Nation	Spence
Barchard	Hall	Neighbors	Thomas
Brown (Covington)	Hardwick	Newman	Tidmore
Brown (Lee)	Hare	Norman (Bullock)	Toomer
Christopher	Jenkins	Norman (Lowndes)	Waldrop
Collier	Kaul	Owens	Wallace
Cope	Langan	Payne	Welch
Delony	Locke	Petrey	Weston
Devers	Lovelace	Robinson (Lowndes)	Wood
Dominick	Martin	Sadler	Wright
Doster	Mathews (Clarke)	Sanderson	Young

—56

Nays: Messrs. Castleberry, Mayhall, Peacock

— 3

On motion of Mr. Dominick the bill, H. 896, was ordered sent forthwith to the Senate without engrossment.

RECESS

On motion of Mr. Jones, the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty o'clock P.M., having arrived, the house reconvened.

BILLS ON THIRD READING

S. 408. To repeal An Act entitled, "An Act to amend An Act entitled An Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during

their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gwin	Nation	Sightler
Ball	Hall	Neighbors	Smyer
Booth	Hardwick	Newman	Snyder
Boswell	Hare	Norman (Bullock)	Spence
Carwile	Haynes	Norman (Lowndes)	Stallings
Castleberry	Henson	Owens	Stone
Chewning	Hill	Payne	Thomas
Christopher	Hodo	Peacock	Tidmore
Clayton	Jenkins	Petrey	Waller
Cobb	Jones	Phillips	Welch
Collier	Kaul	Pitts	Weston
Cook	Langan	Pool	Whigham
Cope	Langley	Scott	White
Davis (Madison)	Locke	Segrest	Wood
Dearman	Miller	Sessions	Wright
Delony	McCord	Sherrer	Young
Green			

—65

H. 928. To regulate, define and license the practice of Barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this Act.

Was taken up.

Mr. Owens offered the following amendment to the bill, 928:

To amend the caption of House Bill 928 so as to read as follows:

To regulate, define and license the practice of barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to authorize the County Board of Barber Examiners to establish minimum prices and hours for barbers in said County when the same have been agreed to by not less than 80% of all the licensed and registered barbers of said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this Act.

And the amendment offered by Mr. Owens to the bill, H. 928, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langan	Sessions
Allen	Devers	Langley	Sherrer
Austin	Dobbs	Locke	Sightler
Bagley	Dominick	Martin	Smyer
Ball	Doster	Miller	Snyder
Barchard	Ellis	McCord	Spence
Barnes	Garrett	McDanal	Stallings
Booth	Gewin	Owens	Stone
Branyon	Graham	Payne	Taylor
Brown (Covington)	Graves	Peacock	Tidmore
Clayton	Green	Petrey	Toomer
Cobb	Gwin	Phillips	Tucker
Collier	Hall	Pitts	Walden
Cook	Jenkins	Pool	Waldrop
Cope	Jones	Scott	Wallace
Davis (Montgomery)	Kaul	Segrest	Waller
Dearman			

—65

And said bill:

H. 928. To regulate, define and license the practice of Barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this Act.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Green	Payne	Stone
Bagley	Gwin	Peacock	Taylor
Ball	Hall	Petrey	Thomas
Booth	Hardwick	Robertson (Cullman)	Tidmore
Boswell	Hare	Robinson (Lowndes)	Toomer
Branyon	Jones	Robinson (St. Clair)	Tucker
Clayton	Kaul	Sadler	Walden
Cobb	Langan	Scott	Waldrop
Collier	Langley	Segrest	Wallace
Cook	Martin	Sessions	Waller
Cope	Mathews (Clarke)	Sherrer	Welch
Davis (Madison)	Mathews (Jackson)	Sightler	Weston
Garrett	Mayhall	Smyer	Whigham
Gewin	Meggison	Snyder	White
Golson	Norman (Lowndes)	Spence	Wood
Graham	Owens	Stallings	Wright
Graves			

—65

H. 741. To provide for elections in all counties in the State of Alabama which now have or may hereafter have, according to the last or any subsequent Federal census, a population of not less than 64,500 and not more than 98,500 inhabitants, to be ordered by the governing bodies thereof, upon petition in writing of a number of qualified electors of said respective counties, to determine whether the county farm demonstration agent conducting farm demonstration work in said county shall be removed from office in said county; to authorize and compel courts of county commissions, county boards of revenue or other such governing bodies of such counties to remove such county farm demonstration agent upon the request of a majority of those voting in such election; to provide for the manner of conducting such election; and to provide for the appropriation of county funds for said purposes.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Hill	Peacock
Ball	Devers	Hodo	Quarles
Barnes	Dobbs	Jenkins	Robinson (Lowndes)
Boswell	Dominick	Jones	Robinson (St. Clair)
Branyon	Doster	Kaul	Spence
Brown (Lee)	Ellis	Langan	Stallings
Carwile	Flowers	Langley	Stone
Castleberry	Garrett	Locke	Taylor
Chewing	Gewin	Lovelace	Thomas
Christopher	Golson	Miller	Toomer
Clayton	Graham	McCord	Tucker
Cobb	Graves	McDanal	Walden
Collier	Hardwick	McGowin	Waldrop
Cook	Hare	Nation	Wallace
Cope	Haynes	Owens	Weston
Davis (Madison)	Henson	Payne	Whigham
Dearman			

—65

On motion of Mr. Owens the bill, H. 741, was ordered sent forthwith to the Senate without engrossment.

S. 448. To authorize, permit, and allow any Board of Commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, to authorize the installation and use of voting machines in all municipal elections, general, special or primary, to be thereafter held in such municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality; and to provide that when an ordinance is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Commissioners or other like governing body and used in all such elections thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities in the State of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cook	Haynes	Robinson (Lowndes)
Allen	Cope	Henson	Robinson (St. Clair)
Austin	Davis (Madison)	Hill	Sanderson
Bagley	Dearman	Langan	Scott
Ball	Delony	Langley	Segrest
Barchard	Devers	Martin	Sherrer
Barnes	Dobbs	Mathews (Clarke)	Sightler
Beck	Dominick	Matthews (Jackson)	Snyder
Booth	Gewin	Mayhall	Spence
Brown (Lee)	Golson	Nation	Stallings
Carwile	Graham	Newman	Stone
Castleberry	Graves	Norman (Bullock)	Tucker
Chewning	Gwin	Norman (Lowndes)	Walden
Christopher	Hall	Owens	Wallace
Clayton	Hardwick	Quarles	Weston
Cobb	Hare	Robertson (Cullman)	Young
Collier			

—65

S. 449. To authorize, permit, and allow the Board of Revenue and Road Commissioners of Mobile County, Alabama, to authorize the installation and use of voting machines in all elections, general, special or primary to be thereafter held in such county, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Revenue and Road Commissioners and used in all such elections thereafter held in such

county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovelace	Pitts
Allen	Dominick	Martin	Pool
Austin	Gewin	Mathews (Clarke)	Quarles
Bagley	Golson	Matthews (Jackson)	Sherrer
Ball	Graham	Mayhall	Sightler
Booth	Graves	Miller	Smyer
Boswell	Green	McCord	Stone
Branyon	Gwin	McDanal	Taylor
Clayton	Hall	McGowin	Thomas
Cobb	Hardwick	Nation	Tucker
Collier	Hare	Neighbors	Walden
Cook	Jones	Newman	Waldrop
Cope	Kaul	Norman (Bullock)	Wallace
Davis (Madison)	Langan	Norman (Lowndes)	Waller
Dearman	Langley	Owens	Welch
Delony	Locke	Phillips	Weston
Devers			

—65

H. 941. To authorize the governing board in all counties having a population of not less than 100,000 and not more than 300,000 according to the last or any subsequent Federal Census to employ a matron for the county jail in said county; to fix her duties and provide for her compensation.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gewin	McCord	Smyer
Bagley	Green	McDanal	Snyder
Barchard	Gwin	Newman	Spence
Booth	Hardwick	Norman (Bullock)	Stallings
Boswell	Hare	Norman (Lowndes)	Stone
Branyon	Haynes	Phillips	Taylor
Brown (Covington)	Hodo	Pitts	Toomer
Brown (Lee)	Jenkins	Robertson (Cullman)	Tucker
Clayton	Jones	Robinson (Lowndes)	Walden
Cobb	Langan	Robinson (St. Clair)	Welch
Collier	Langley	Sadler	Weston
Cook	Lovelace	Sanderson	Whigham
Cope	Martin	Scott	White
Davis (Madison)	Mathews (Clarke)	Segrest	Wood
Dearman	Matthews (Jackson)	Sessions	Wright
Dominick	Miller	Sightler	Young
Doster			

—65

On motion of Mr. Stone the bill, H. 941, was ordered sent forthwith to the Senate without engrossment.

H. 952. To create and establish in Mobile County, Alabama, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in full or in part from the public funds of said county, or municipalities located therein, or who receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer; to create a Citizens Supervisory Committee; to create a Personnel Board and other agencies for the supervision and administration of said system; to define the scope and extent of said system and the powers, duties and authority of said committee, board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such committee, board and agencies over such personnel and over said county and municipalities therein; to provide for the payment of the expenses of the administration of this act and for a division of such expense between said county and municipalities therein; to provide for the enforcement of this act and of rules and regulations adopted pursuant thereto, and to provide penalties for the violation thereof; and to repeal all laws or parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Locke	Scott
Allen	Doster	Martin	Segrest
Austin	Ellis	Mathews (Clarke)	Sessions
Bagley	Flowers	Matthews (Jackson)	Spence
Ball	Garrett	Mayhall	Stallings
Barchard	Gewin	Newman	Stone
Barnes	Golson	Norman (Bullock)	Taylor
Brown (Lee)	Graham	Norman (Lowndes)	Thomas
Carwile	Graves	Owens	Tidmore
Collier	Green	Payne	Waldrop
Cook	Henson	Peacock	Wallace
Cope	Hill	Petrey	Waller
Davis (Madison)	Hodo	Robertson (Cullman)	Whigham
Dearman	Jenkins	Robinson (Lowndes)	White
Delony	Langan	Robinson (St. Clair)	Wright
Devers	Langley	Sadler	Young
Dobbs			

—65

On motion of Mr. Stone the bill, H. 952, was ordered sent forthwith to the Senate without engrossment.

H. 657. To provide for the relief of Mrs. W. L. Spivey, former matron of the Montgomery County Boarding Home, for children

committed to said home by the Juvenile and Court of Domestic Relations of Montgomery County, Alabama, and to authorize the payment to her of the sum of Two Hundred and Twenty-Five Dollars and Ninety Cents (\$225.90) and interest thereon from January 15th, 1937, at the rate of six percent per annum, out of the general funds of Montgomery County, Alabama, said sum of money being due her for the care of children committed to said Home, and being now unpaid.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Lovelace	Sanderson
Austin	Ellis	Martin	Sessions
Ball	Flowers	Miller	Sightler
Barnes	Garrett	McCord	Snyder
Booth	Gewin	McDanal	Spence
Boswell	Golson	McGowin	Stallings
Branyon	Graham	Nation	Stone
Brown (Covington)	Graves	Petrey	Toomer
Chewning	Green	Phillips	Tucker
Christopher	Gwin	Pitts	Walden
Clayton	Hall	Pool	Waldrop
Cobb	Hill	Quarles	Whigham
Collier	Hodo	Robertson (Cullman)	White
Cook	Jenkins	Robinson (Lowndes)	Wood
Cope	Jones	Robinson (St. Clair)	Wright
Davis (Madison)	Kaul	Sadler	Young
Dobbs			

—65

On motion of Mr. Sanderson the bill, H. 657, was ordered sent forthwith to the Senate without engrossment.

S. 421. To authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Castleberry	Dominick	Hardwick
Allen	Chewning	Doster	Hare
Austin	Christopher	Ellis	Haynes
Bagley	Clayton	Golson	Henson
Ball	Davis (Madison)	Graham	Jones
Barchard	Dearman	Graves	Kaul
Booth	Delony	Green	Langan
Boswell	Devers	Gwin	Langley
Branyon	Dobbs	Hall	Locke

Lovelace	Norman (Lowndes)	Segrest	Toomer
Martin	Owens	Sessions	Tucker
McCord	Payne	Sherrer	Walden
McDanal	Quarles	Sightler	Waldrop
McGowin	Robertson (Cullman)	Smyer	Whigham
Nation	Sanderson	Snyder	Wood
Newman	Scott	Spence	Wright
Norman (Bullock)			

—65

S. 422. To repeal an Act entitled "an Act to authorize and require the Board of Education in any county in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census to provide a pension or retiring allowance for teachers who have served in the public schools of such county." Approved April 15, 1936.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Graham	Neighbors	Smyer
Bagley	Graves	Newman	Snyder
Ball	Green	Owens	Spence
Barchard	Gwin	Payne	Stallings
Branyon	Hall	Petrey	Tidmore
Brown (Covington)	Hardwick	Phillips	Toomer
Brown (Lee)	Hare	Pool	Tucker
Carwile	Haynes	Quarles	Walden
Castleberry	Henson	Robertson (Cullman)	Wallace
Cook	Hill	Robinson (Lowndes)	Waller
Cope	Hodo	Sanderson	Welch
Davis (Madison)	Martin	Scott	Weston
Dearman	Mathews (Clarke)	Segrest	Whigham
Delony	Matthews (Jackson)	Sessions	White
Devers	McGowin	Sherrer	Wood
Dobbs	Nation	Sightler	Young
Golson			

—65

(With amendment):

H. 716. To provide for and regulate a system of Probation and Parole of persons convicted of crime in Juvenile and Domestic Relations Courts and courts of like jurisdiction in each and all counties of this State which now have a population of ninety-eight Thousand population or more, according to the last Federal Census or which shall have such population or more according to any such census hereafter taken; to authorize the suspension of the execution of sentences in such cases; to provide for the release on probation and supervision of persons on probation or parole and whose sentences are suspended; to prescribe the conditions of probation and parole; to provide for the rearrest and recommitment of Probationers and Parolees violating their conditions of probation or parole; and to provide for the payment of costs of court in cases where execution of sentence is suspended.

Was taken up. The Question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

JUDICIARY COMMITTEE AMENDMENT TO HOUSE BILL 716

Amend Section 3 of House Bill 716 by adding next after the words "No appeal" where they first occur together therein, the following words "after 60 days from the date of the rendition of the judgment".

Further amend said Section by striking out of said Section the word "Appellant" where it occurs therein, and inserting in lieu thereof the word "Appellate".

And the amendment reported by the Standing Committee on Judiciary to the bill, H. 716, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Hardwick	McGowin	Segrest
Allen	Hare	Nation	Sessions
Bagley	Haynes	Neighbors	Sherrer
Barnes	Henson	Newman	Sightler
Beck	Hill	Norman (Bullock)	Smyer
Branyon	Hodo	Norman (Lowndes)	Snyder
Brown (Lee)	Jenkins	Owens	Taylor
Carwile	Jones	Petrey	Tidmore
Castleberry	Kaul	Pitts	Toomer
Chewning	Langan	Pool	Tucker
Cobb	Langley	Quarles	Waller
Collier	Mathews (Clarke)	Robertson (Cullman)	Welch
Cook	Matthews (Jackson)	Robinson (Lowndes)	Weston
Graves	Mayhall	Robinson (St. Clair)	White
Green	McCord	Sanderson	Wright
Gwin	McDanal	Scott	Young
Hall			

—65

And said bill:

H. 716. To provide for and regulate a system of Probation and Parole of persons convicted of crime in Juvenile and Domestic Relations Courts and courts of like jurisdiction in each and all counties of this State which now have a population of ninety-eight Thousand population or more, according to the last Federal Census or which shall have such population or more according to any such census hereafter taken; to authorize the suspension of the execution of sentences in such cases; to provide for the release on probation and supervision of persons on probation or parole and whose sentences are suspended; to prescribe the conditions of probation and parole; to provide for the rearrest and recommitment of Proba-

tioners and Parolees violating their conditions of probation or parole; and to provide for the payment of costs of court in cases where execution of sentence is suspended.

As amended by the amendment reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	Jones	Scott
Allen	Davis (Madison)	Kaul	Segrest
Austin	Dearman	Langan	Sessions
Bagley	Delony	Lovell	Sherrer
Ball	Devers	Martin	Sightler
Barnes	Dobbs	Mayhall	Smyer
Beck	Doster	McCord	Snyder
Boswell	Ellis	McDanal	Spence
Branyon	Flowers	McGowin	Stone
Carwile	Gewin	Nation	Thomas
Castleberry	Golson	Neighbors	Toomer
Chewning	Graham	Newman	Wallace
Christopher	Graves	Petrey	Waller
Clayton	Green	Phillips	Welch
Cobb	Gwin	Pitts	Weston
Collier	Hodo	Sanderson	Wright
Cook			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the bill:

H. 147. To further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama including Deputy Circuit Solicitors who are elected by the people, and Assistant Deputy Circuit Solicitors, and Deputy Circuit Solicitors who are not not elected by the people, a part of whose salaries is paid by the State of Alabama; to provide and impose additional duties for such solicitors, deputy solicitors, and assistant deputy solicitors, and to provide for the compensation of such solicitors, deputy solicitors, and assistant deputy solicitors for such additional duties; to provide that such solicitors, deputy solicitors, and assistant deputy solicitors shall serve in any part of the State of Alabama when called upon by the Attorney General or the Governor to do so; and to provide for the payment of the necessary expenses of such solicitors, deputy solicitors, and assistant deputy solicitors when serving outside of their circuit; to prohibit all such solicitors, deputy solicitors, and assistant deputy solicitors from the practice of law, direct-

ly, or indirectly, in any of the courts of the State of Alabama, or of the United States, or in any other manner or form whatsoever, except in the performance of their official duties as such solicitor, deputy solicitor, and assistant deputy solicitor; to provide for furnishing by the State the necessary stationery, telephones, stamps, supplies, and equipment to each of the several solicitors, deputy solicitors, and assistant deputy solicitors, to require the county governing body of each county in which any such solicitor, deputy solicitor, or assistant deputy solicitor is a resident to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors, deputy solicitors, and assistant deputy solicitors, and to make provision for the payment of such salaries as well as the expenses authorized hereunder, and to provide the effective dates of this Act, and to repeal all laws, general, local, and special, and parts of such laws in conflict herewith.

By a vote of: Yeas, 22; Nays, 4.

And said bill as thus amended by the Conference Report was again read a third time at length and passed.

Yeas, 21; Nays, 4.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

(With substitute):

H. 627. To amend Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Was taken up. The Question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Substitute for House bill 627:

A BILL

To be entitled An Act to amend Schedule 67 of Article XIII, Chapter 1 of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Be it Enacted by the Legislature of Alabama:

Section 1. That Schedule 67 of Article XIII, Chapter 1 of an Act entitled, "An Act to provide for the General Revenue of the

State of Alabama," approved July 10, 1935, be and the same is hereby amended to read as follows:

SCHEDULE 67. Each person operating for profit a Gasoline Filling Station or pump in cities or towns, or within three miles thereof, shall pay the following privilege tax:

In cities of 100,000 inhabitants and over, where only one pump or filler is used.....	\$40.00
For each additional pump.....	30.00
In cities or towns of 40,000 inhabitants and less than 100,000 inhabitants, where only one pump or filler is used....	30.00
and for each additional pump.....	20.00
In cities or towns of 12,000 inhabitants and less than 40,000, where only one pump or filler is used.....	25.00
and for each additional pump.....	15.00
In cities or towns of 5,000 inhabitants and less than 12,000, where only one pump or filler is used.....	20.00
and for each additional pump.....	10.00
In incorporated towns of 1,000 inhabitants and less than 5,000, where only one pump or filler is used.....	10.00
and for each additional pump.....	7.50
In incorporated towns of less than 1,000 inhabitants.....	5.00
and for each additional pump.....	3.00
In all other places whether incorporated or not.....	2.50
and for each additional pump.....	2.50

Provided that the privilege taxes provided for in this Schedule are hereby reduced thirty per cent (30%), which said reduction shall become effective as follows, one-third of such reduction to be effective on October 1, 1939, and one-third each succeeding year until the full thirty per cent (30%) reduction has been made. Provided, further that no privilege tax provided for in this Schedule shall be reduced to an amount lower than \$2.50.

And the substitute reported by the Standing Committee on Ways and Means for the bill, H. 627, was adopted.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Cook	Green	Nation
Allen	Cope	Hardwick	Neighbors
Austin	Davis (Madison)	Haynes	Newman
Ball	Dearman	Henson	Owens
Barnes	Devers	Jenkins	Peacock
Branyon	Dobbs	Langan	Petrey
Brown (Covington)	Dominick	Locke	Phillips
Brown (Lee)	Ellis	Mathews (Clarke)	Pitts
Carwile	Flowers	Mathews (Jackson)	Pool
Chewning	Gewin	Mayhall	Robinson (Lowndes)
Christopher	Golson	Miller	Sadler
Collier	Graham	McCord	Sanderson

Scott	Spence	Toomer	Welch
Segrest	Stallings	Tucker	White
Sessions	Stone	Walden	Wood
Sightler	Thomas	Waldrop	Wright
Smyer	Tidmore	Wallace	Young

—68

And said bill:

H. 627. To amend Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

As amended by the substitute reported by the Standing Committee on Ways and Means, was read a third time at length and passed.

Yeas, 68; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Dobbs	Miller	Sightler
Allen	Dominick	McCord	Smyer
Austin	Ellis	Nation	Spence
Ball	Flowers	Neighbors	Stallings
Barnes	Gewin	Newman	Stone
Branyon	Golson	Owens	Thomas
Brown (Covington)	Graham	Peacock	Tidmore
Brown (Lee)	Green	Petrey	Toomer
Carwile	Hardwick	Phillips	Tucker
Chewning	Haynes	Pitts	Walden
Christopher	Henson	Pool	Waldrop
Collier	Jenkins	Robinson (Lowndes)	Wallace
Cook	Langan	Sadler	Welch
Cope	Locke	Sanderson	White
Davis (Madison)	Mathews (Clarke)	Scott	Wood
Dearman	Matthews (Jackson)	Segrest	Wright
Devers	Mayhall	Sessions	Young

—68

H. 478. To amend Schedule 16 of Article XIII, Chapter I of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 82; Nays, 1.

<i>Yeas:</i>			
Mr. Speaker	Carwile	Dearman	Graham
Allen	Castleberry	Delony	Green
Ball	Chewning	Dobbs	Gwin
Barchard	Christopher	Dominick	Hall
Barnes	Cobb	Doster	Hardwick
Beck	Collier	Flowers	Haynes
Branyon	Cook	Garrett	Hill
Brown (Covington)	Cope	Gewin	Kaul
Brown (Lee)	Davis (Madison)	Golson	Langan

Lovelace	Owens	Segrest	Tucker
Martin	Payne	Sessions	Walden
Mathews (Clarke)	Petrey	Sightler	Waldrop
Mayhall	Phillips	Smyer	Wallace
Miller	Pitts	Spence	Welch
McCord	Pool	Stallings	Weston
McDanal	Robertson (Cullman)	Stone	Whigham
McGowin	Robinson (Lowndes)	Taylor	White
Nation	Robinson (St. Clair)	Thomas	Wood
Neighbors	Sadler	Tidmore	Wright
Newman	Sanderson	Toomer	Young
Norman (Lowndes)	Scott		

—82

Nay: Mr. Peacock

— 1

On motion of Mr. Miller the bill, H. 478, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 479. To repeal Schedule 20 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Substitute for House Bill 479:

A BILL

To be entitled An Act to amend Schedule 20 of Article XIII, Chapter I of an Act entitled, "An act to provide for the General Revenue of the State of Alabama," approved July 10th, 1935.

Be it Enacted by the Legislature of Alabama:

Section 1. That Schedule 20 of Article XIII, Chapter I of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10th, 1935, be and the same is hereby amended to read as follows:

Schedule 20. Each Battery Shop for the repairing, recharging and selling batteries in cities and towns of:

Over 60,000	\$20.00
15,000 to 60,000	15.00
5,000 to 15,000	10.00
All other places whether incorporated or not	5.00

Provided that this license shall not apply to businesses not rendering complete battery service.

And the substitute reported by the Standing Committee on Ways and Means for the bill, H. 479, was adopted.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Gewin	Mayhall	Sightler
Allen	Golson	Miller	Smyer
Ball	Graham	McCord	Snyder
Barchard	Green	McDanal	Spence
Branyon	Gwin	McGowin	Stallings
Brown (Covington)	Hall	Nation	Stone
Brown (Lee)	Hardwick	Neighbors	Taylor
Carwile	Hare	Newman	Thomas
Castleberry	Haynes	Norman (Lowndes)	Tidmore
Christopher	Henson	Owens	Toomer
Cobb	Hill	Payne	Tucker
Collier	Hodo	Phillips	Walden
Cook	Jenkins	Pitts	Waldrop
Cope	Kaul	Pool	Wallace
Davis (Madison)	Langan	Robertson (Cullman)	Welch
Dearman	Langley	Robinson (Lowndes)	Weston
Devers	Locke	Robinson (St. Clair)	Whigham
Dobbs	Lovelace	Sadler	White
Dominick	Martin	Sanderson	Wood
Doster	Mathews (Clarke)	Scott	Wright
Ellis	Matthews (Jackson)	Segrest	Young
Flowers			

—85

And said bill:

H. 479. To repeal Schedule 20 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

As amended by the substitute reported by the Standing Committee on Ways and Means, was read a third time at length and passed.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langan	Phillips
Allen	Doster	Langley	Pitts
Ball	Ellis	Locke	Pool
Barchard	Flowers	Lovelace	Robertson (Cullman)
Branyon	Gewin	Martin	Robinson (Lowndes)
Brown (Covington)	Golson	Mathews (Clarke)	Robinson (St. Clair)
Brown (Lee)	Graham	Matthews (Jackson)	Sadler
Carwile	Green	Mayhall	Sanderson
Castleberry	Gwin	Miller	Scott
Christopher	Hall	McCord	Segrest
Cobb	Hardwick	McDanal	Sightler
Collier	Hare	McGowin	Smyer
Cook	Haynes	Nation	Snyder
Cope	Henson	Neighbors	Spence
Davis (Madison)	Hill	Newman	Stallings
Dearman	Hodo	Norman (Lowndes)	Stone
Devers	Jenkins	Owens	Taylor
Dobbs	Kaul	Payne	Thomas

Tidmore
Toomer
Tucker
Walden

Waldrop
Wallace
Welch

Weston
Whigham
White

Wood
Wright
Young

—85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Weatherford:

S. 404. To amend Section 1157 of the Code of 1923.

Also:

By Mr. Weatherford:

S. 405. To amend Section 1156 of the Code of 1923.

Also:

By Mr. Weatherford:

S. 406. To amend Section 4383 of the Code of 1923.

Also:

By Mr. Stakely:

S. 359. Relating to copyrights and public performing rights in musical compositions and dramatic-musical compositions, and repealing all laws in conflict herewith.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Public Health—S. 404; S. 405; S. 406.

Ways and Means—S. 359.

BILLS ON THIRD READING

H. 824. To amend Schedule 102 of Section 348 of Chapter 1 of Article XIII of an act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10th, 1935.

Was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mayhall	Scott
Barchard	Flowers	Miller	Segrest
Brown (Covington)	Gewin	McCord	Sessions
Brown (Lee)	Golson	Nation	Sherrer
Carwile	Green	Neighbors	Sightler
Castleberry	Hall	Norman (Lowndes)	Spence
Chewning	Hardwick	Owens	Stone
Cobb	Hare	Payne	Taylor
Collier	Haynes	Phillips	Tidmore
Cook	Hill	Pitts	Tucker
Cope	Jenkins	Pool	Walden
Davis (Madison)	Jones	Quarles	Waldrop
Dearman	Kaul	Robertson (Cullman)	Wallace
Devers	Langan	Robinson (Lowndes)	Welch
Dobbs	Locke	Robinson (St. Clair)	White
Dominick	Martin	Sadler	Wright
Doster	Mathews (Clarke)	Sanderson	Young

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On motion of Mr. Sherrer the bill, H. 824, was ordered sent forthwith to the Senate without engrossment:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks.

Was taken up. Mr. Dominick offered the following substitute for the bill, H. 954:

Substitute for House Bill 954, by Mr. Dominick:

A BILL

To be entitled An Act to regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks, and to provide for the matching of Federal Funds available for public rural library service.

Be it Enacted by the Legislature of Alabama:

Section 1. That any funds appropriated for the purpose of furnishing free textbooks in the public elementary schools of the State shall be expended first for the purpose of furnishing free adopted textbooks to the pupils in the public schools in the first, second, and third grades, and the remainder of said funds so appropriated, if any, may be used for purchasing and furnishing free adopted textbooks to pupils enrolled in the other elementary grades

of the public schools. Provided, however, that the State Board of Education is hereby authorized to use not more than Ten Thousand Dollars (\$10,000.00) of the remainder of any funds appropriated for furnishing free textbooks in the public elementary schools of the State, after such textbooks have been furnished to the pupils in the public schools in the first, second, and third grades, for matching Federal funds that hereafter may be made available to the State of Alabama for public rural library service.

Section 2. That the State Board of Education shall make regulations for the proper care of said free textbooks.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 4. This act shall become effective immediately upon approval of the Governor.

And the substitute offered by Mr. Dominick for the bill, H. 954, was adopted.

Yeas, 82; Nays, 0.

Yeas:

Mr. Speaker	Doster	Matthews (Jackson)	Sherrer
Ball	Ellis	Miller	Sightler
Barnes	Flowers	McCord	Smyer
Branyon	Gewin	Nation	Spence
Brown (Covington)	Golson	Neighbors	Stallings
Brown (Lee)	Graham	Newman	Stone
Carwile	Green	Norman (Lowndes)	Taylor
Castleberry	Gwin	Owens	Thomas
Chewning	Hall	Peacock	Tidmore
Christopher	Hardwick	Petrey	Toomer
Clayton	Hare	Phillips	Tucker
Cobb	Hill	Pitts	Walden
Collier	Hodo	Pool	Waldrop
Cook	Jenkins	Quaries	Wallace
Cope	Jones	Robertson (Cullman)	Welch
Davis (Madison)	Kaul	Robinson (Lowndes)	Whigham
Dearman	Langan	Sadler	White
Delony	Langley	Sanderson	Wood
Devers	Locke	Scott	Wright
Dobbs	Lovelace	Segrest	Young
Dominick	Martin		

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And said bill:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks.

As amended by the substitute offered by Mr. Dominick, was read a third time at length and passed.

Yeas, 82; Nays, 0.

Yeas:

Mr. Speaker	Doster	Matthews (Jackson)	Sherrer
Ball	Ellis	Miller	Sightler
Barnes	Flowers	McCord	Smyer
Branyon	Gewin	Nation	Spence
Brown (Covington)	Golson	Neighbors	Stallings
Brown (Lee)	Graham	Newman	Stone
Carwile	Green	Robinson (Lowndes)	Taylor
Castleberry	Gwin	Owens	Thomas
Chewning	Hall	Peacock	Tidmore
Christopher	Hardwick	Petrey	Toomer
Clayton	Hare	Phillips	Tucker
Cobb	Hill	Pitts	Walden
Collier	Hodo	Pool	Waldrop
Cook	Jenkins	Quarles	Wallace
Cope	Jones	Robertson (Cullman)	Welch
Davis (Madison)	Kaul	Robinson (Lowndes)	Whigham
Dearman	Langan	Sadler	White
Delony	Langley	Sanderson	Wood
Devers	Locke	Scott	Wright
Jobbs	Lovelace	Segrest	Young
Dominick	Martin		

—82

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

By a vote of: Yeas, 25; Nays, 1.

And said bill, as thus amended by the Report of the Conference Committee, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

And said bill is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

By a vote of Yeas, 27; Nays, 1.

And said bill, as thus amended by the Report of the Conference Committee, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

And said bill is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 815. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

J. E. Speight,
Secretary.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 321. To amend Section 161 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 322. To amend Section 22 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 801. To amend Sections 2 and 4 of an act entitled "An Act to establish an Inferior Court in Macon County, Alabama to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of the Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court, and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such judge; and to provide for a solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, prescribe his duties and fix the salary of such solicitor; to provide the method whereby the judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination there-

of; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings in said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County," approved June 26, 1935.

Also:

H. 808. To repeal an act entitled "An Act to establish a budget and provide for the preparation of same, for Macon County, Alabama, by the Board of Revenue of said County; to provide that the appropriations by said Board shall not exceed the income of said County as estimated and fixed in the said budget; to classify appropriations, and to provide for a reduction in said appropriations as so classified, where the income of the County is insufficient to make payment in full; to prohibit any official of said County, or any member of said Board of Revenue, or other person having charge of the disbursement or expenditure of Macon County funds, from expending, or contracting to expend, any amount in excess of the funds so appropriated and fixed by the said budget; to provide for all purchases made for the use of the County, or contracts entered into, where the amount to be expended is in excess of Fifty Dollars, shall be made to the lowest responsible bidder, and after notice given, as prescribed in this Act to make the violation of the provisions of this Act a Misdemeanor punishable by a fine in the amount specified herein and to provide that this Act become effective upon approval by the Governor, after passage, and that all laws in conflict herewith are repealed," approved June 6, 1935.

Also:

H. 826. To create and establish a Board of Revenue in and for Macon County to be composed of five members, one of whom shall be chairman of said Board and to divide said county into four districts as constituted under the old Court of County Commissioners; to provide for the election of a member from each of said districts, to fix the qualifications of the members of said Board and to provide where the members of said Board shall reside during their term of office; to define the term of office of each of said members of the Board of Revenue and provide for the filling of vacancies on said Board; to provide for the election of the chairman of said Board and the members designated at the expiration of their respective terms of office; to define the powers and jurisdiction of said Board; to provide the duties of the chairman of said Board and to define his powers; to provide for the election of a clerk of the Board of Revenue to fix his compensation and define his duties; to provide for the time of sessions of the Board of Revenue; to provide that

the Board of Revenue shall keep a correct register of all claims presented against the County and the nature of such register and to provide for the compensation of the members of the Board of Revenue.

Also :

H. 836. To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled.

Also :

H. 839. To Repeal A Local Act of the Legislature of Alabama approved March 17th, 1936, Entitled "An Act To require the Court of County Commissioners or like governing body of Chilton County, Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County Agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect."

Also :

H. 840. For the relief of T. L. McKee, Tax Collector of Chilton County, Alabama, and to authorize and direct the Probate Judge of Chilton County, Alabama, to issue to T. L. McKee a warrant in the sum of \$166.07 payable out of the General Funds of Chilton County, Alabama and directing and empowering the Treasurer of Chilton County, Alabama, to pay said warrant for the sum of \$166.07 out of the General Funds of Chilton County, Alabama, for monies stolen from the office of the Tax Collector of Chilton County, Alabama, by unknown party or parties on December, 29th, 1936.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker :

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested :

S. 448. To authorize, permit, and allow any Board of Commissioners or other like governing body of any municipal corporation in the County of Mobile, Alabama, to authorize the installation and use of voting machines in all municipal elections, general, special or primary, to be thereafter held in such municipality, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such municipality; and to provide that when an ordinance is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Commissioners or other like governing body and used in all such elections thereafter held in such municipality, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by incorporated municipalities in the State of Alabama.

Also:

S. 449. To authorize, permit, and allow the Board of Revenue and Road Commissioners of Mobile County, Alabama, to authorize the installation and use of voting machines in all elections, general, special or primary to be thereafter held in such county, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of such county; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by said Board of Revenue and Road Commissioners and used in all such elections thereafter held in such county, in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILL ON THIRD READING

(With substitute):

H. 847. To amend an Act, approved February 7, 1935, entitled "An Act To authorize the creation and incorporation of a Com-

mission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondsholders", as amended; and to ratify the change of the name of said corporation; and to define any such bridge or project; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such project, and to contract with reference thereto.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Public Roads and Highways, said committee substitute being as follows:

A BILL

To be entitled An Act to amend An Act entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such Bridge, and to contract with such Commission with reference thereto.

Be it Enacted by the Legislature of Alabama:

Section One. That An Act entitled "An Act to authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment

of such bonds and providing for the rights and remedies of bondholders", approved February 7, 1935, as amended, be and the same is hereby amended so as to read as follows:

"Section 1. Creation and Organization of Commission. That the creation and incorporation of a Commission are hereby authorized, for the purpose of constructing or reconstructing any one Bridge, or more than one, as such terms are defined in Section 2 hereof; and said Commission is hereby authorized to provide for necessary funds for such purposes by issuing and selling bonds; and said Commission is authorized to operate and maintain any such Bridge for toll until the cost of the construction, reconstruction, maintenance and operation thereof, and the principal of and interest upon the bonds issued for the construction of such Bridge shall have been paid in full, including reimbursement to the State Highway Department for any contributions or expenditures made by it in aid of the construction, reconstruction, maintenance or operation of such Bridge, after which said Bridge shall be operated free of toll. Said Commission shall consist of five members, duly qualified to hold office under the Constitution and Laws of Alabama, who shall be appointed by the Governor of the State and such members shall be deemed to take office for a term of two years from the date of appointment, one member shall hold office for a term of three years from the date of appointment, one member shall hold office for a term of four years from the date of appointment, one member shall hold office for a term of five years from the date of appointment, and one member shall hold office for a term of six years from the date of appointment, and the Governor shall designate the term of office of each member appointed. Their successors shall be appointed in like manner for a term of six years and vacancies in the office of such Commission occurring otherwise than by expiration of office shall also be filled by the Governor by appointment for the unexpired term. The Chairman of said Commission shall be appointed by the Governor from among the members of said Commission and in the event of a vacancy occurring in the office, the Governor shall also appoint one of the members to succeed to the office of Chairman, and the Governor may remove any member of the Commission at any time without cause. The members of said Commission shall be entitled to compensation only when actually rendering service for said Commission and the compensation shall not be more than \$1.00 per diem and traveling expenses and the number of days per year for which compensation may be received shall not exceed 52. The power of said Commission shall be vested in and exercised by the majority of the members of the Commission then in office. Said Commission may delegate to one or more of its members or its officers, agents, and employees such power and duties as it may deem proper,

and shall appoint a Treasurer from among its members to act as custodian of all of the funds, from whatever source derived, received by said Commission, and shall deposit said moneys in a separate account or accounts in a bank or trust company which is duly qualified and doing business in the State of Alabama, provided, however, the Commission may, by resolution or by trust indenture securing the issuance of bonds herein authorized, designate a fiscal agent or trustee, which shall be a bank or trust company duly qualified to do business in the State of Alabama, and may authorize such fiscal agent or trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any,) as may be specified in such resolution or trust indenture, all proceeds from the sale of such bonds, all tolls and other revenues from such Bridge and all payments or contributions made in connection therewith, and all funds applicable to the payment of said bonds, or the maintenance and operation of said Bridge. Said Commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings: The members of the Commission shall present to the Secretary of State of Alabama an application signed by them, which shall set forth (1) the name, official designation and official residence of each of the members of said Commission, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the Commission to become a body corporate and politic under this Act; (2) the term of office of each of the members and the place where, if any, the official appointment of each of said members is kept of record; (3) the name which is proposed for the corporation; (4) the location of the principal office of the proposed corporation; (5) any other matter relating to the incorporation which the members might choose to insert not inconsistent with the Constitution and Laws of the State of Alabama. The application shall be subscribed and sworn to by each of said members before an officer authorized by the laws of the State of Alabama to take and certify oaths, who shall testify upon the application that he personally knows the members and believes them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lend to confusion and uncertainty, he shall receive and file it and shall record it in an appropriate book of record in his office. When the application has been made, filed and recorded, as herein provided, the Commission shall constitute a corporation under the name proposed

in the application; the Secretary of State shall make and issue to the said members a certificate of incorporation pursuant to this Act, under the seal of the State, and shall record the same with the application. The corporation shall have succession by its corporate name for thirty years, and thereafter until all its liabilities have been met and its bonds and other obligations have been finally paid and discharged. That said corporation shall have the privilege and power of amending the application filed by it with the Secretary of State for the purpose of completing the organization thereof, in any respect not contrary to the provisions of this Act, including the right to change the name of such corporation, and an amended certificate of incorporation may be issued by the Secretary of State under the new or changed name of such Corporation.

"Section 2. Definitions. The term 'Commission' as used in this Act shall be construed to mean the corporation created or organized under and pursuant to the provisions of Section 1 of this Act. The term 'Bridge' as used in this Act shall mean any highway bridge, with the approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama; and shall also be construed to include any one or more of the following, together with approaches and appurtenances thereto, namely: bridges, drawbridges, causeways, fills, trestles and connecting roadways or highways, which together form or comprise any one undertaking, which may be designated by the Commission (with the approval of the State Highway Department) as forming or comprising any one Bridge, which may be constructed, reconstructed, maintained and operated by the Commission from any designated point on the mainland of the State of Alabama, over and across any body or bodies of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to any designated point on such island, and over and across any island or islands, marshes, shoals or reefs intervening between said mainland and the island upon which such Bridge is proposed to terminate, in accordance with the designation thereof. The Commission is hereby expressly authorized in and by resolution adopted by it, so to designate and describe (with the approval of the State Highway Department) any such Bridge; and the State Highway Department is hereby expressly authorized, in its discretion, to approve, by resolution, the Bridge so designated and described by the Commission, whereupon such designation shall be conclusive in law as to the validity of the inclusion of any bridge, drawbridge, causeway, fill, trestle or connecting roadway or highway, or the approaches and appurtenances thereto, in and as a part of any such Bridge.

"Section 3. Powers of Commission. The Commission shall have power: (a) to sue and be sued; (b) to have a seal and alter the same at pleasure; (c) to acquire, hold and dispose of real and personal property for its corporate purposes and to receive grants, gifts, donations and contributions of real and personal property, or any interest therein; (d) to acquire by purchase or condemnation real property and rights or easements therein necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, provided that no property now or hereafter vested in or held by the State, a county, municipality or sub-division of the State shall be taken by the Commission without the authority or consent of said State, county, municipality or sub-division of the State, nor shall anything herein impair or invalidate in any way any bonded indebtedness of said State, county, municipality or sub-division of the State; (e) to make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, for the regulation of the use of any Bridge construction or reconstructed under the provisions of this Act, and the establishment and collection of tolls and revenues therefrom; (f) to appoint officers, agents and employees and fix their compensation; (g) to make contracts and to execute all instruments necessary or convenient; (h) to construct, reconstruct, maintain and operate any such Bridge; (i) to enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations thereof, and to request the State Highway Department for assistance in locating, designing, and letting the contracts for the construction or reconstruction of any such Bridge, and when requested to do so, the State Highway Department shall render such assistance; (j) to charge tolls for the use of any such Bridge subject to or in accordance with such agreements with bondholders as may be made as hereinafter provided; (k) to permit any person, firm or corporation to construct and maintain over, under, across or along any Bridge telephone, telegraph, or electric wires and cables, gas mains, water mains and other mechanical equipment not inconsistent with the appropriate use of such Bridge; (l) to borrow money and to issue bonds therefor in accordance with the provisions of this Act, with rights to bondholders as hereinafter described; (m) to do all things necessary or convenient to carry out the powers expressly given in this Act; (n) without limitation of the foregoing, to borrow money and accept grants from the United States Government or any corporation or agency created, designated, or established by the United States, and to enter into contracts with the United States or any such corporation or agency; (o) to enter into any contract or agreement with the State Highway Department, or any other Department, agency or instrumentality of the State, which may be deemed necessary or advisable by the Com-

mission to aid in the construction, reconstruction, maintenance and operation of any such Bridge; and the State Highway Department is hereby expressly authorized and given full power to enter into and perform such a contract or contracts or agreement or agreements with the Commission, including the right to use any funds available to said State Highway Department for such purpose, provided, however, any such contract authorized under the terms of this sub-paragraph shall be subject to the approval of the Governor; (p) to execute with reference to any such Bridge a trust indenture or trust agreement for the security of the bonds authorized to be issued for the construction of such Bridge, such trust indenture or trust agreement to be in form and substance as authorized and approved by resolution duly adopted by the Commission.

"Section 4. Form and Content of Bonds. The principal of and interest on bonds herein authorized to be issued by the Commission shall be payable solely from the revenue to be derived from the tolls levied and collected in connection with the operation of the Bridge for which such bonds have been issued, and shall not constitute an indebtedness of the State, or any municipality, county, or political sub-division or instrumentality of the State within the meaning of any constitutional or statutory provision of the laws of the State. Said bonds shall be issued in the name of the corporation and shall have impressed thereon its corporate seal. The bonds shall express upon their face the particular Bridge for which they are being issued, and there shall be a separate issue of bonds for such Bridge undertaken by the Commission as authorized by this Act. Said bonds shall be authorized by resolution of such Commission and shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding six per centum per annum, payable semi-annually, be in such denomination or denominations, be in such form, either coupon or registered, carry such registration privileges, be subject to such terms of redemption, with or without a premium, be executed in such manner, be payable in such medium of payment and at such place or places, as such resolution or resolutions may provide. It shall be plainly stated on the face of each bond that the same has been issued under the provisions of this Act and that the bond and interest thereon do not constitute an indebtedness of the State, or any municipality, county, or political sub-division or instrumentality of the State within the meaning of any constitutional or statutory provision of the laws of the State. Such bonds may be sold at public or private sale for such price or prices as said Commission shall determine, provided that the interest cost to maturity or maturities of the bond shall not

exceed six per centum per annum. Said bonds are hereby declared to be negotiable instruments.

"Section 5. Covenants in Resolutions. Any resolution or resolutions authorizing such bonds may contain provisions which shall be a part of the contract with the holders of bonds issued for any Bridge, as to (a) designating and describing the Bridge; (b) pledging the tolls and revenues of such Bridge to secure the payment of such bonds; (c) the tolls to be charged for such Bridge and the amounts to be raised in each year by such tolls and the use and disposition of such tolls and other revenues of such Bridge; (d) the setting aside of reserves or sinking funds for such Bridge or such bonds and the regulation and disposition thereof; (e) limitations on the right of the Commission to restrict and regulate the use of the Bridge; (f) the operation and maintenance of the Bridge, including but not limited to insurance and the disposition of insurance moneys; (g) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued for such Bridge may be applied; (h) limitations on the issuance of additional bonds for any one or more of such Bridges; (i) the redemption of the bonds and the price or prices at which they shall be redeemable; (j) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (k) the execution of an indenture of trust or trust agreement with reference to any such Bridge to secure the payment of such bonds and assure the maintenance and operation of such Bridge and such indenture of trust or trust agreement may contain such terms, conditions and provision, not in conflict with the specific provisions of this Act, as may be in form and substance approved by the Commission, the State Highway Department and the Governor, and may designate and provide for the appointment of a successor or successors to such original trustee.

"Section 6. Remedies of Bondholders. Any holder of said bonds, including a trustee for bondholders, or trustee under the indenture of trust or trust agreement securing said bonds, shall have the right subject to any contractual limitations binding upon any such holder or trustee, and subject to the prior or superior rights of others; (a) By mandamus or other suit, action or proceeding, at law or in equity, to enforce his rights against the Commission, and any member thereof, including the right to require the Commission to collect tolls and revenues adequate to carry out any agreement as to, or pledge of, such tolls and revenues and to require the Commission and the members thereof to carry out any other covenants and agreements and to perform its and their duties under this Act, or

by mandamus or other suit, action or proceeding, at law or in equity, to require the Commission to enforce the valid and binding provisions of any contract or contracts, or agreement or agreements, made by the State Highway Department, or any other department, agency or instrumentality of the State of Alabama, which the Commission pursuant to this Act or under any other provision of law, with reference to any such Bridge, or the maintenance and operation thereof, including the payment or expenditure of any funds therefor, or for the performance of any work thereon, or duty with respect thereto; (b) by action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bondholders; (c) by suit, action or proceeding to obtain the appointment of a receiver in the event of a default in the payment of bonds or interest thereon issued for any such Bridge, who may enter and take possession of the Bridge and operate and maintain the same and collect and receive all tolls and revenues thereafter arising therefrom in the same manner as the Commission itself might do, and shall deposit all such moneys in a separate account and apply the same in accordance with the obligations of the Commission as the Court may direct; (d) by mandamus or other suit, action or proceeding at law or in equity to enforce the rights of the bondholders or of any such trustee against the Commission organized pursuant to this Act or the members of said Commission, or against the State Highway Department or the Director or other officer or officers charged by law with the exercise of the powers, duties and authority of said State Highway Department, or against any other department, agency or instrumentality of the State, or any officer or officers thereof charged by law with the exercise of any powers, duties or authority with respect to the construction, reconstruction, maintenance or operation of said Bridge, or for the use of funds of the State Highway Department or any such other department, agency or instrumentality of the State, or for the performance of any work, or to do or perform any other duty or obligation, or to exercise any discretion or any power or authority with respect to any such Bridge, the collection of tolls or other revenues therefrom, and any and all other rights in any wise affecting the construction, reconstruction, maintenance or operation of such bridge, for the security or protection of the bonds issued for the construction thereof pursuant to this Act, or any rights accruing to said bondholders or to any such trustee under and by virtue of this Act or any other provision of law or under any contract or agreement relating thereto, and specifically to enforce the valid provisions of any contract or agreement executed by the State Highway Department or any other department, agency or instrumentality of the State, in aid of or to induce the construction of such Bridge or

to provide for the maintenance and operation thereof by contributions, work, labor or material, money or otherwise; (e) upon default in the performance by the State Highway Department of any contract or contracts or agreement or agreements executed by it, with the approval of the Governor, in aid of the construction of said Bridge or for the maintenance and operation thereof, the Commission may, and upon written demand by any bondholder or by the trustee for said bondholders or by the trustee under any indenture of trust or trust agreement securing said bond, said Commission shall institute action by mandamus or otherwise against the State Highway Department or any officer or officers thereof or officer or officers exercising supervision or control over said State Highway Department or any officer or officers of the State having the right, power or authority to exercise the powers and perform the duties of said State Highway Department, to appropriate, withdraw or disburse the State Highway Fund or funds now or hereafter available to the State Highway Department for construction, reconstruction, maintenance or operation of the public roads and bridges in the State, to compel performance of the valid terms and provisions of any such contract or agreement and to compel the performance of any duty relating to said Bridge, or the maintenance or operation thereof; (f) upon default in the performance by any other department, agency, or instrumentality of the State of any contract or contracts or agreement or agreements executed by it, in aid of the construction of said Bridge or for the maintenance or operation thereof, the Commission may, and upon written demand by any bondholder or by the trustee for said bondholders or by the trustee under any indenture of trust or trust agreement securing said bonds, said Commission shall institute action by mandamus or otherwise against any such department, agency or instrumentality of the State, or any officer or officers thereof exercising supervision or control or having the right, power or authority to exercise the powers and perform the duties of said department, agency, or instrumentality to appropriate, withdraw or disburse any funds available for such purpose, and subject to such use under the valid terms and provisions of any such contract or agreement, and to compel performance of the valid terms and provisions of any such contract or agreement, and to compel the performance of any duty relating to said Bridge or the maintenance or operation thereof.

"Section 7. Bonds not Subject to Municipal Bond Code. The bonds authorized hereunder shall not be subject to any limitations or provisions of the municipal bond code or any other bond laws now in force or hereafter amended, and it shall not be necessary to make publication of any resolution, notice or proceeding relating thereto.

"Section 8. Bonds and Projects Exempt from Taxation, Assessment and Fees. The bonds and interest coupons issued under the provisions of this Act are exempted from any and all State, County, Municipal and other taxation whatsoever under the laws of the State of Alabama, and the Bridges herein authorized shall, so long as any bonds are outstanding payable from the revenues thereof, be exempted from taxation, assessment or liability for fees and charges of any nature levied by the State of Alabama, any county therein, any municipal corporation or other public body thereof.

"Section 9. Validity of Bonds. In case any of the officers whose signatures or counter-signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Any resolution authorizing any bonds hereunder shall provide that such bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence of their validity and the regularity of their issuance, notwithstanding the provisions of any other bond laws or any other law now in force or hereafter enacted or amended. Upon the passage of any resolution providing for the issuance of bonds under the provisions of this Act, the Commission may, in its discretion, cause to be published once in each of two consecutive weeks in at least two newspapers published and having a general circulation in the City of Montgomery, a notice in substantially the following form (the blanks being first properly filled in):

"The Alabama Bridge Commission (An Agency of the State of Alabama), on the _____ day of _____, 19____, passed a resolution providing for the issuance of \$_____ of toll revenue bonds of the Commission for the purpose of financing the construction of _____ such revenue bonds being payable solely from the revenue of such Bridge.

"Any action or proceeding questioning the validity of said resolution or said revenue bonds must be commenced within twenty days after the first publication of this notice.

Chairman of the Alabama Bridge Commission
(An Agency of the State of Alabama)'

"Any action or proceeding in any court to set aside a resolution providing for the issuance of revenue bonds under the provisions of this Act or to contest the validity of any such revenue bonds or the trust indenture, if any, to secure the same, must be commenced within twenty days after the first publication of the above men-

tioned notice. After expiration of such period, no right of action or defense founded upon the invalidity of the resolution or the trust indenture, if any, or of the revenue bonds, shall be asserted, nor shall the validity of such resolution, trust indenture or bonds be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

"Section 10. Traffic Rules and Regulations. The Commission may adopt rules and regulations, not inconsistent with the provisions of the State Highway Department Act and the rules and regulations of the State Highway Department, for the control of traffic on all Bridges, to aid and insure the safe and orderly flow of traffic and shall so far as practicable notify the public of such rules and regulations by signs on such Bridges.

"Section 11. Policing of Bridges. The Commission shall have the authority and it shall be its duty to provide for proper and adequate policing of any such Bridge constructed or reconstructed under the provisions of this Act, in order to insure the enforcement thereon of any rules and regulations which may be adopted by said Commission under the provisions of Section 10 of this Act and to insure the enforcement on any such Bridge of any other law relating to the use and operation of vehicles upon State Highways, and of the rules and regulations of the State Highway Department in respect thereto, and to cooperate with the State Highway Department, and any officers of the law, to the end that such Bridges be operated at all times in such manner as to carry traffic efficiently.

"Such employees of the Commission as may be designated by said Commission shall have all the power of peace officers while employed on any such Bridge or while engaged in the performance of their duties while not upon any such Bridge.

"Section 12. Agreement of State. The State of Alabama does pledge to and agree with the holders of any bonds issued pursuant to this Act that the State will not limit or alter the rights hereby vested in the Commission to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation and to fulfill the terms of any agreements made with or for the benefit of the holders of the bonds, or as security for said bonds, or in any way impair the rights and remedies of bondholders, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully met and discharged. The State of Alabama as further security for the issuance of said bonds hereby expressly agrees that neither the State nor any county, municipality or any political sub-division or instrumentality thereof, so long as any of such bonds remain outstanding and unpaid, shall grant any privilege or franchise for the

construction or reconstruction or operation or maintenance of any bridge, road, ferry or other facility which may be competitive with said Bridge, or shall construct or reconstruct or operate or maintain any such competitive road, bridge, ferry or facility; and the power and authority to grant or permit any such competitive franchise is hereby limited and restricted in accordance with the provisions of this section.

"Section 13. No contract or contracts, or agreement or agreements authorized by or executed under or pursuant to the provisions of this Act shall pledge the general faith and credit of the State of Alabama, or incur an indebtedness of the State within the meaning of or contrary to the provisions of Section 213 of the Constitution of Alabama of 1901, as amended; and the State expressly reserves the right to alter, amend, repeal or change from time to time any law levying a tax to provide funds for the State Highway Department, or any other department, agency or instrumentality of the State, or by which any funds may now or hereafter appropriated for the use of the State Highway Department or any other department, agency or instrumentality of the State for the construction, reconstruction, maintenance or operation of public roads and bridges of the State, including any Bridge constructed under this Act.

"Section 14. Construction of Act—Severability. This Act shall be construed as cumulative authority for the purposes named herein, and as to the manner and form of issuing revenue bonds for any such purpose or purposes, and shall not be construed to repeal any existing laws with respect thereto, it being the purpose and intention of this Act to create an additional alternative method for the purposes herein named. Bonds authorized and issued in substantial conformity with the provisions of this Act shall be valid without compliance with the terms, provisions or conditions of any other act or law. Without in any way limiting the generality of the foregoing, it is the intent and purpose of this Act that, as to any Bridges constructed or reconstructed under the provisions of this Act, none of the provisions of Act No. 219, S. B. 81, approved July 10, 1935, or of Act No. 264, S. B. 326, approved August 26, 1935, or of Act No. 366, H. B. 876, approved September 7, 1935, shall apply. In the event that any provision or section of this Act shall be found or declared to be invalid or in conflict with the provisions of the Constitution of Alabama, the remainder of this Act shall nevertheless be valid and effective, each part and provision hereof being expressly declared to be separate and independent of any other part or provision.

"Section 15. Inconsistent Provisions in other Acts Superseded. Insofar as the provisions of this Act are inconsistent with the pro-

visions of any other Act, general or special, the provisions of this Act shall be controlling."

SECTION TWO. If any section, clause, provision or paragraph of this Act is declared unconstitutional or invalid, it shall not affect the remaining sections, clauses, provisions or paragraphs.

SECTION THREE. Inconsistent Provisions in other Acts Superseded. Insofar as the provisions of this Act are inconsistent with the provisions of any other Act, general or special, the provisions of this Act shall be controlling.

SECTION FOUR. This Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Langan offered the following amendment to the substitute reported by the Standing Committee on Public Roads and Highways for the bill, H. 847:

Amend Substitute for H. B. No. 847 as follows:

Amend said Substitute by inserting therein, between Section Three and Section Four thereof, a new Section to be numbered Section Three and One Half, to read as follows:

"Section Three and One Half: Provided, however, no Bridge shall be constructed under or pursuant to the provisions of this Act, unless the same may be constructed for an amount not in excess of the amount of bonds issued or authorized to be issued for the purpose of constructing such Bridge."

And the amendment offered by Mr. Langan to the substitute for the bill, H. 847, was adopted.

Mr. Hardwick offered the following amendment to the substitute for the bill, H. 847:

To amend Substitute for House Bill 847 by adding at the end of Section 3, the following:

Provided, however, that the liability of the State of Alabama shall not exceed \$10,000 in any one year.

On motion of Mr. Langan the amendment offered by Mr. Hardwick was tabled.

Yeas, 45; Nays, 40.

Yeas:

Mr. Speaker

Bagley

Ball

Barchard

Barnes

Beck

Branyon

Brown (Covington)

Brown (Lee)

Chewning

Cobb

Cope

Dearman

Dominick

Ellis

Flowers

Garrett

Golson

Gwin

Hodo

Jenkins

Jones

Kaul

Langan

Lovelace

Miller

McGowin

Neighbors

Norman (Bullock)

Norman (Lowndes)

Payne

Phillips

Pitts

Pool

Sadler

Sessions

Smyer

Stone

Taylor

Thomas

Toomer

Tucker

Waldrop

Wallace

Welch

Nays:

Messrs.:	Hall	Owens	Stallings
Allen	Hardwick	Peacock	Spence
Austin	Hare	Petrey	Tidmore
Castleberry	Hill	Robertson (Cullman)	Walden
Christopher	Locke	Robinson (Lowndes)	Weston
Davis (Madison)	Mathews (Clarke)	Robinson (St. Clair)	Whigham
Delony	Mayhall	Sanderson	White
Dobbs	McCord	Scott	Wood
Doster	Nation	Segrest	Wright
Graham	Newman	Sightler	Young
Green			

—40

PAIRS ANNOUNCED

The following pairs were announced:

Yea:	Nay:
Megginson	Gewin
Quarles	Sherrer

Mr. Sherrer moved to indefinitely postpone the bill, H. 847; substitute and amendments to the substitute.

And the motion of Mr. Sherrer was lost.

Yeas, 39; Nays, 48.

Yeas:

Messrs.:	Green	Nation	Sightler
Allen	Hall	Newman	Spence
Austin	Hardwick	Owens	Stallings
Christopher	Hare	Peacock	Tidmore
Davis (Madison)	Hill	Petrey	Walden
Delony	Locke	Robinson (Lowndes)	Weston
Dobbs	Martin	Robinson (St. Clair)	Whigham
Dominick	Mathews (Clarke)	Sanderson	White
Doster	Mayhall	Segrest	Wood
Graham	McCord	Sherrer	Wright

—39

Nays:

Mr. Speaker	Cook	Kaul	Sadler
Ball	Cope	Langan	Sessions
Barchard	Dearman	Lovelace	Smyer
Barnes	Devers	Miller	Stone
Beck	Ellis	McDanal	Taylor
Boswell	Flowers	McGowin	Thomas
Branyon	Garrett	Neighbors	Toomer
Brown (Covington)	Golson	Norman (Bullock)	Tucker
Brown (Lee)	Gwin	Norman (Lowndes)	Waldrop
Castleberry	Hodo	Payne	Wallace
Chewning	Jenkins	Pitts	Welch
Cobb	Jones	Pool	Young

—48

PAIR ANNOUNCED

The following pair was announced:

Yea, Gewin; Nay, Megginson.

Mr. Hare offered the following amendment to the substitute for the bill, H. 847:

Amend Substitute for H. B. 847.

Section 6 by striking therefrom Subsections (d), (e) and (f) thereof.

Mr. Langan moved to table the amendment offered by Mr. Hare. And the motion to table was lost.

And the amendment offered by Mr. Hare was lost.

Yeas, 39; Nays, 48.

Yeas:

Messrs.:	Hall	Nation	Sightler
Allen	Hardwick	Newman	Spence
Austin	Hare	Owens	Stallings
Castleberry	Haynes	Peacock	Tidmore
Christopher	Hill	Robertson (Cullman)	Walden
Davis (Madison)	Locke	Robinson (Lowndes)	Weston
Delony	Martin	Sanderson	Whigham
Doster	Mathews (Clarke)	Scott	White
Gewin	Mayhall	Segrest	Wood
Graham	McCord	Sherrer	Wright

—39

Nays:

Mr. Speaker	Devers	Langan	Robinson (St. Clair)
Bagley	Dobbs	Lovelace	Sadler
Ball	Dominick	Miller	Sessions
Barchard	Ellis	McDanal	Smyer
Barnes	Flowers	McGowin	Stone
Beck	Garrett	Neighbors	Taylor
Branyon	Golson	Norman (Bullock)	Thomas
Brown (Lee)	Gwin	Norman (Lowndes)	Toomer
Chewning	Hodo	Payne	Tucker
Cobb	Jenkins	Phillips	Waldrop
Cope	Jones	Pitts	Wallace
Dearman	Kaul	Pool	Welch

—48

And the substitute reported by the Standing Committee on Public Roads and Highways for the bill, H. 847, as amended, was adopted.

Yeas, 46; Nays, 40.

Yeas:

Mr. Speaker	Dearman	Langan	Pool
Bagley	Devers	Lovelace	Robinson (St. Clair)
Ball	Dominick	Miller	Sadler
Barchard	Ellis	McDanal	Sessions
Barnes	Flowers	McGowin	Smyer
Beck	Garrett	Neighbors	Stone
Branyon	Golson	Norman (Bullock)	Taylor
Brown (Covington)	Gwin	Norman (Lowndes)	Thomas
Brown (Lee)	Hodo	Payne	Tucker
Chewning	Jenkins	Phillips	Waldrop
Cobb	Jones	Pitts	Wallace
Cope	Kaul		

—46

Nays:

Messrs:	Hall	Nation	Spence
Allen	Hardwick	Newman	Stallings
Austin	Hare	Owens	Tidmore
Castleberry	Haynes	Peacock	Toomer
Christopher	Hill	Petrey	Walden
Davis (Madison)	Locke	Robinson (Lowndes)	Weston
Delony	Martin	Sanderson	Whigham
Dobbs	Mathews (Clarke)	Scott	White
Doster	Mayhall	Segrest	Wood
Graham	McCord	Sightler	Wright
Green			

—40

PAIR ANNOUNCED

The following pair was announced:

Yea, Megginson; Nay, Gewin.

And said bill:

H. 847. To amend an Act, approved February 7, 1935, entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondsholders", as amended; and to ratify the change of the name of said corporation; and to define any such bridge or project; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such project, and to contract with reference thereto.

As amended, was read a third time at length and passed.

Yeas, 45; Nays, 42.

Yeas:

Mr. Speaker	Dearman	Langan	Pool
Bagley	Devers	Lovelace	Robinson (St. Clair)
Ball	Ellis	Miller	Sadler
Barchard	Flowers	McDanal	Sessions
Barnes	Garrett	McGowin	Smyer
Beck	Golson	Neighbors	Stone
Branyon	Gwin	Norman (Bullock)	Taylor
Brown (Covington)	Hodo	Norman (Lowndes)	Thomas
Brown (Lee)	Jenkins	Payne	Tucker
Chewning	Jones	Phillips	Waldrop
Cobb	Kaul	Pitts	Wallace
Cope			

—45

Nays:

Messrs.:	Hall	Newman	Stallings
Allen	Hardwick	Owens	Tidmore
Austin	Hare	Peacock	Toomer
Castleberry	Haynes	Petrey	Walden
Christopher	Hill	Robertson (Cullman)	Weston
Davis (Madison)	Locke	Robinson (Lowndes)	Whigham
Delony	Martin	Sanderson	White
Dobbs	Mathews (Clarke)	Scott	Wood
Dominick	Mayhall	Segrest	Wright
Graham	McCord	Sightler	Young
Green	Nation	Spence	

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PAIRS ANNOUNCED

The following pairs were announced:

Yeas	Nays
Megginson	Gewin
Quarles	Sherrer

On motion of Mr. Langan the bill, H. 847, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following joint resolution:

H.J.R. 111. Relative to adjournment of the two houses until ten o'clock Tuesday.

And returns same herewith to the House.

J. E. Speight,
Secretary.

REPORT OF CONFERENCE COMMITTEE

Mr. Beck from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 223, made the following report:

REPORT OF COMMITTEE ON CONFERENCE

To
The Speaker of the House,
President of the Senate:

We, your Committee on Conference, appointed to consider the difference between the House of Representatives and the Senate on House Bill No. 223, beg leave to report as follows:

We recommend that both houses adopt the following report:

1. We recommend that the Senate recede from its amendment to the bill.
2. We further recommend that both houses adopt a substitute for H. B. 223, which reads as follows:

A BILL

To be entitled An Act to amend Section I as amended by an act approved March 3, 1939, and Sections II, III and V of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to state authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section I of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935, as amended by an act approved March 3, 1939, be and the same is hereby amended to read as follows:

Section I. That there is hereby created and established a State Planning Commission to consist of the Governor, the State Superintendent of Education, the Director of Conservation, the Director of Finance, the State Geologist, a member of the Staff of the Agricultural Extension Service of the Alabama Polytechnic Institute, to be designated by the Governor, a member of the

Staff of the State Highway Department, to be designated by the Governor, and four appointive members, all bona-fide residents and qualified voters of the State, who shall be appointed by the Governor and confirmed by the Senate. Of the appointive members, two shall be designated to serve for terms of four years, beginning February 1, 1939, and two shall be designated to serve for terms of eight years, beginning February 1, 1939. Their successors shall serve for terms of eight years and until their successors are appointed and qualified. Provided, however, that no two of the four appointive members of the commission shall be residents of the same congressional district. Members of the Commission shall serve as such without compensation, but each shall be paid the actual expenses incurred in the performance of his duties as a member of the Commission, when approved by the chairman. The Commission shall be known as the "State Planning Commission" of Alabama, and the members shall be State officers. Before entering upon the discharge of their duties, they shall take the oath of office prescribed for other State officers. The Commission shall have an appropriate seal with such words and emblem as the Commission may prescribe. Vacancies in the appointive membership of the Commission shall be filled by appointment of the Governor for the unexpired term. Five members of the Commission shall constitute a quorum for the transaction of business. Notice of all meetings of the Commission shall be given by the Secretary in such manner and under such rules and regulations as may be prescribed by the Commission.

Section 2. That Section II of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section II. That the Commission at its first meeting after appointment shall elect from among its members a Chairman and a Vice-Chairman who shall serve for four years and until their successors are elected. The Commission shall appoint a Director who shall be a citizen of Alabama and who shall be qualified by training and experience for the duties required of him. His term of office shall be fixed by the Commission and his salary shall be fixed by the Commission not to exceed the sum of \$5,000.00 per year. Upon nomination of the Director, the Commission may appoint such other employees as it may deem necessary for its work, fix their rates of pay and promote, demote and remove them at will. The Commission may also contract with planners and other consultants for such services as it may require. Anything in this section to the contrary notwithstanding, all officers and employees of the State Planning Commission who would otherwise be subject to the provisions thereof, shall be subject to the provisions of the Merit System Act approved March 2, 1939. The Director shall serve as secretary of the Commission and shall be custodian of the books, records and papers of the Commission, which he shall keep at the office of the Commission, and shall perform any and all functions and duties, and exercise any and all power and authority of the State Planning Commission, and shall have charge of all active functions and duties of the State Planning Commission, and the enforcement of the orders, rules and regulations of the State Planning Commission promulgated with respect thereto, subject, however, to the jurisdiction and direction of the State Planning Commission. Upon request of the

Commission, the Governor may, from time to time, for the purpose of special surveys under the direction of the Commission, assign or detail to the Commission members of the staffs or personnel of any State Administrative Department, bureau, institution or agency or may direct any such department, bureau, institution or agency to make for the Commission special surveys or studies requested by the Commission. The Commission shall be provided with necessary office space and necessary equipment in the State Capitol or such other places as the needs of the Commission may require.

Section 3. That Section III of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section III. That the Legislature shall make the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provisions of this Act. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Legislature. All appropriations heretofore or hereafter made for the salaries and other expenses of the State Planning Commission shall be expended only upon the approval of the Governor. Provided, however, that the appropriation or appropriations out of the general fund for the administration of this act shall not be paid, or released, or made available, to the State Planning Commission until all other appropriations made by law out of the general fund shall have been met. The Commission may adopt rules and regulations for the transactions of its business and shall keep a record of its resolutions, transactions, findings and determinations.

Section 4. That Section V of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provision of this Act," approved September 9, 1935, be and the same is hereby amended to read as follows:

Section V. (a) That the Commission shall have power to promote public interest in and understanding of the State Plan and the problems of the State planning and to that end and may publish and distribute copies of the plan or any report and may employ such other means of publicity and education as it may determine. It may confer and cooperate with the executive, legislative or planning authorities of neighboring states and of the counties and municipalities of such states, for the purpose of bringing about a coordination between the development of such neighboring States, counties or municipalities and the development of the State of Alabama. The Commission shall advise and cooperate with municipal, county, regional and other local planning Commissions within the State for the purpose of promoting coordination between the State and local plans and development. The Commission shall, upon the request of any appropriate municipal, county or

other local board or official, transmit information possessed by it which bears upon such coordination. The Commission may upon the request of the Board of County Commissioners of any county, the council of any municipality or the chief legislative body of any other political subdivision, make a study of and report upon any planning problem of such county, municipality or subdivision submitted to it, and the Commission may agree with any such Board, Council or body as to the amount, if any, to be paid to the Commission for any such service. The Commission may, upon request or at its own initiative, furnish advice or reports to any State officer or department on any problem falling within the field of state planning, and may advise the Governor and/or the Legislature on programs for public improvement and the financing thereof. The Commission may prepare and submit to the Governor and/or the Legislature drafts of legislation for the carrying out of the master plan or of any part thereof, including zoning or land-use regulations, the making of official maps and the preservation of the integrity thereof, and regulations for the conservation of the natural resources of the State. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties, to promote State planning and to carry out the purposes of this Act. The Commission shall cooperate with other planning Commissions and authorities, including national and inter-state planning boards, including the Tennessee Valley Authority and before making its report shall consult such national or inter-state agency.

(b) That the Commission may establish and operate an advertising, travel, information, tourist and industrial development division.

(c) It shall be the further duty of the Commission to:

1. Collect, compile and distribute literature as to the facilities, advantages and attractions of the State, the historic, recreational and scenic points and places of interest within the State and the transportation and highway facilities of the State;

2. Plan and conduct a program of information and publicity designed to attract new industries, tourists, visitors and other interested persons from outside the state to the state and also encourage and coordinate the effects of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purpose;

3. Publicize the material and economic advantages of the state which render it a desirable place for business and residence;

4. Carry on such educational program as is necessary to familiarize the people of the state with the scenic, recreational, historic, industrial and agricultural advantages or needs of the state.

(d) The Commission is further authorized and empowered, within the limits of available funds, to:

1. Form contracts with agencies of any type or wherever situated that will tend to promote the objectives of advertising Alabama to non-residents.

2. To gather and compile information from branches of the State Government and others, that will promote authentic information for advertising purposes.

3. To enter into cooperative agreements and contracts with such individuals, partnerships, corporations, public or private, associations, societies, educational institutions, chambers of commerce, automobile associations and other organized groups as may be deemed advantageous and proper to effectuate the intent and purpose of this Act, provided, however, that an authenti-

cated copy of all such contracts shall be filed with the Department of Finance and shall be approved by the Attorney General.

4. (a) To accept unconditional gifts of money to be expended in the furtherance of the purpose of this Act.

(b) Within the limits of available funds, to match any moneys advanced for the purpose of this Act by the Federal Government or by any State, County, Municipality, Corporation, Association, Society or Individual.

(c) Within the limits of available funds, to enter into such cooperative agreements or contracts with any instrumentality of the Federal Government, Municipality or County Government of Alabama or any other State or group of States which in the judgment of the State Planning Commission will affectuate the purpose of this Act.

Section 5. That this Act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Respectfully submitted,
W. M. BECK,
JOSEPH H. LANGAN,
HUGH KAUL,
Conferees on part of House of
Representatives.
KARL C. HARRISON,
HENRY H. BOOTH,
CHARLES A. STAKELY, JR.,
Conferees on part of the Senate.

On motion of Mr. Beck, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 223, the vote being: Yeas, 48; Nays, 8.

Yeas:

Mr. Speaker	Chewning	Gewin	Payne
Allen	Christopher	Golson	Pitts
Bagley	Cobb	Hall	Robertson (Cullman)
Barchard	Cope	Hardwick	Sadler
Barnes	Davis (Madison)	Jenkins	Segrest
Beck	Dearman	Jones	Stone
Boswell	Delony	Kaul	Thomas
Branyon	Devers	Langan	Tidmore
Brown (Covington)	Dobbs	Martin	Tucker
Brown (Lee)	Dominick	McCord	Wallace
Carwile	Flowers	McDanal	Welch
Castleberry	Garrett	Norman (Bullock)	Whigham

—48

Nays:

Messrs.:	Ellis	Mathews (Clarke)	Neighbors
Ball	Locke	Miller	Peacock
Doster			

— 8

And said bill:

H. 223. To amend an Act entitled, "An act to provide for State Planning of all public works approved September 9, 1935, and for state planning and uses of land which are to be constructed or acquired with State funds or located, constructed or authorized by the State; all local improvements which under the statutes are required

to be submitted to State authorities, also all projects of state magnitude even though the constructing and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities and to authorize the Legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the Commission under the provisions of this Act," and to further authorize the State Planning Commission to set up and operate an advertising, travel, information, tourist and industrial development division and to authorize the Director of State Planning Commission, with the consent of the Governor to execute contracts and provide funds to defray the expenses of the State Planning Commission.

As amended by the report of the Committee of Conference was again read a third time at length and passed: Yeas, 57; Nays, 8.

Yeas:

Mr. Speaker	Dearman	Kaul	Sessions
Allen	Devers	Martin	Sightler
Bagley	Dominick	Miller	Spence
Barchard	Doster	McCord	Stallings
Barnes	Flowers	Nation	Stone
Beck	Garrett	Newman	Taylor
Boswell	Gewin	Norman (Bullock)	Thomas
Brown (Covington)	Golson	Owens	Tidmore
Brown (Lee)	Gwin	Payne	Toomer
Carwile	Hall	Pitts	Tucker
Castleberry	Hardwick	Pool	Waldrop
Chewning	Hodo	Robinson (St. Clair)	Wallace
Christopher	Jenkins	Robinson (Lowndes)	Welch
Cope	Jones	Segrest	Young
Davis (Madison)			

—57

Nays:

Messrs.:	Ellis	Mathews (Clarke)	Peacock
Cobb	Locke	Neighbors	Weston
Delony			

— 8

BILL ON THIRD READING

(With substitute):

H. 534. To amend Sections 1 and 7 of Act No. 546 of the Legislature of 1935 entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for H. 534:

A BILL

To be entitled An Act to amend Section 1 of an Act entitled "An Act to Create a Board to be known as 'State Board of Adjustment'; to name its personnel; to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor" approved September 14, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor" approved September 14, 1935, be amended to read as follows: Section 1. There is hereby created a Board to be known as "The State Board of Adjustment" to be composed of the State Treasurer, the Secretary of State, and the Director of Finance. The Chairman of said Board shall be selected by the Board from its membership. The secretary of State shall also be the Secretary of said Board, and shall perform all the duties, powers and functions required of the Secretary by the Board. For the performance of the extra, new and additional duties imposed upon the Secretary of State as Secretary of said Board by this Act he shall receive an additional Six Hundred and 00/100 (\$600.00) Dollars per annum as compensation, in addition to the salary now provided by law, to be paid out of the State Treasury in equal monthly installments, and there is hereby appropriated out of the State Treasury the sum of Six Hundred Dollars (\$600.00) per annum for the purpose of paying the additional compensation of the Secretary of State herein provided for. The Attorney General shall attend the meetings of the Board and represent the State of Alabama in all proceedings before said Board.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Mr. Stone offered the following amendment to the substitute for the bill, H. 534:

Amend the committee substitute to H. B. 534 by striking out the words and figures "Six Hundred and 00/100 (\$600.00) Dollars per annum" wherever they appear in Section 1, and insert in lieu thereof the following words and figures "Twelve Hundred and 00/100 (\$1200.00) Dollars per annum."

On motion of Mr. Norman of Bullock, the amendment offered by Mr. Stone to the substitute for the bill, H. 534, was laid upon the table.

Yeas, 42; Nays, 34.

Yeas:

Messrs.:	Gewin	Locke	Sherrer
Allen	Graham	Mathews (Clarke)	Spence
Austin	Green	Nation	Stallings
Brown (Covington)	Hall	Newman	Tidmore
Chewning	Hardwick	Norman (Bullock)	Walden
Christopher	Haynes	Owens	Welch
Davis (Madison)	Hill	Peacock	Weston
Delony	Hodo	Phillips	Whigham
Devers	Jenkins	Quarles	Wood
Dominick	Jones	Robinson (Lowndes)	Young
Doster	Kaul	Sessions	

—42

Nays:

Mr. Speaker	Ellis	McDanal	Sanderson
Bagley	Flowers	Neighbors	Scott
Barchard	Golson	Payne	Segrest
Boswell	Gwin	Pitts	Stone
Branyon	Langan	Pool	Taylor
Carwile	Lovelace	Robertson (Cullman)	Thomas
Castleberry	Martin	Robinson (St. Clair)	Tucker
Cobb	Miller	Sadler	Wallace
Dearman	McCord		

—34

Mr. Walden offered the following amendment to the substitute for the bill, H. 534:

Amend caption and body of House bill 534, by striking from same the words, "additional duties."

On motion of Mr. Miller the amendment offered by Mr. Walden was laid upon the table.

Yeas, 46; Nays, 23.

Yeas:

Mr. Speaker	Chewning	Garrett	Jones
Ball	Cobb	Gewin	Kaul
Beck	Dearman	Golson	Langan
Boswell	Delony	Gwin	Lovelace
Branyon	Dominick	Haynes	Martin
Carwile	Ellis	Hodo	Miller

McCord	Robinson (St. Clair)	Spence	Tucker
Neighbors	Sadler	Stone	Waldrop
Payne	Sanderson	Taylor	Wallace
Pitts	Scott	Thomas	Welch
Pool	Segrest	Toomer	Young
Robertson (Cullman)	Sessions		

—46

<i>Nays:</i>			
Messrs.:	Jenkins	Peacock	Stallings
Allen	Locke	Phillips	Tidmore
Austin	Mathews (Clarke)	Quarles	Walden
Davis (Madison)	McDanal	Robinson (Lowndes)	Weston
Devers	Newman	Sherrer	Whigham
Hill	Norman (Bullock)	Smyer	Wood

—23

Mr. Sherrer moved to indefinitely postpone the bill, H. 534, and pending substitute, and the motion of Mr. Sherrer was lost.

Yeas, 21; Nays, 52.

<i>Yeas:</i>			
Messrs.:	Dobbs	Norman (Bullock)	Robinson (Lowndes)
Allen	Doster	Owens	Sherrer
Austin	Hall	Peacock	Walden
Christopher	Locke	Phillips	Whigham
Davis (Madison)	Mathews (Clarke)	Quarles	Wood
Devers	Newman		

—21

<i>Nays:</i>			
Mr. Speaker	Ellis	Martin	Scott
Bagley	Flowers	Miller	Segrest
Ball	Garrett	McCord	Sightler
Beck	Golson	McDanal	Spence
Boswell	Green	McGowin	Stone
Branyon	Gwin	Nation	Taylor
Carwile	Hill	Neighbors	Thomas
Castleberry	Hodo	Payne	Toomer
Chewning	Jenkins	Pitts	Tucker
Cobb	Jones	Robertson (Cullman)	Waldrop
Dearman	Kaul	Robinson (St. Clair)	Wallace
Delony	Langan	Sadler	Welch
Dominick	Lovell	Sanderson	Young

—52

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 534, was adopted.

Yeas, 53; Nays, 26.

<i>Yeas:</i>			
Mr. Speaker	Castleberry	Garrett	Kaul
Bagley	Chewning	Golson	Lovell
Ball	Cobb	Gwin	Martin
Barchard	Dearman	Haynes	Miller
Beck	Delony	Hill	McCord
Boswell	Dominick	Hodo	McDanal
Branyon	Ellis	Jenkins	McGowin
Brown (Covington)	Flowers	Jones	Neighbors

Payne	Sanderson	Stallings	Tucker
Pitts	Scott	Stone	Waldrop
Pool	Segrest	Taylor	Wallace
Robertson (Cullman)	Sightler	Thomas	Welch
Robinson (St. Clair)	Spence	Toomer	Young
Sadler			

—53

Nays:

Messrs.:	Dobbs	Mathews (Clarke)	Sherrer
Allen	Doster	Nation	Tidmore
Austin	Gewin	Newman	Walden
Brown (Lee)	Graham	Norman (Bullock)	Weston
Christopher	Hall	Peacock	Whigham
Davis (Madison)	Hardwick	Quarles	Wood
Devers	Hare	Robinson (Lowndes)	

—26

And said bill:

H. 534. To amend Sections 1 and 7 of Act No. 546 of the Legislature of 1935 entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

As amended by the substitute reported by the Standing Committee on Appropriations, was read a third time at length and passed.

Yeas, 55; Nays, 26.

Yeas:

Mr. Speaker	Dominick	Miller	Segrest
Bagley	Ellis	McCord	Sightler
Ball	Flowers	McDana	Spence
Barchard	Garrett	McGowin	Stallings
Booth	Golson	Nation	Stone
Boswell	Gwin	Neighbors	Taylor
Branyon	Haynes	Payne	Thomas
Brown (Covington)	Hill	Pitts	Toomer
Carwile	Jenkins	Pool	Tucker
Castleberry	Jones	Robertson (Cullman)	Waldrop
Chewning	Kaul	Robinson (St. Clair)	Wallace
Collier	Langan	Sadler	Welch
Dearman	Lovell	Sanderson	Young
Delony	Martin	Scott	

—55

Nays:

Messrs.:	Devers	Mathews (Clarke)	Robinson (Lowndes)
Allen	Dobbs	Newman	Sherrer
Austin	Gewin	Norman (Bullock)	Tidmore
Barnes	Graham	Owens	Walden
Brown (Lee)	Hall	Peacock	Whigham
Christopher	Hardwick	Phillips	Wood
Davis (Madison)	Locke	Quarles	

—26

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bill:

H. 147. To further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama including Deputy Circuit Solicitors who are elected by the people, and Assistant Deputy Circuit Solicitors, and Deputy Circuit Solicitors who are not elected by the people, a part of whose salaries is paid by the State of Alabama; to provide and impose additional duties for such solicitors, deputy solicitors, and assistant deputy solicitors, and to provide for the compensation of such solicitors, deputy solicitors, and assistant deputy solicitors for such additional duties; to provide that such solicitors, deputy solicitors, and assistant deputy solicitors shall serve in any part of the State of Alabama when called upon by the Attorney General or the Governor to do so; and to provide for the payment of the necessary expenses of such solicitors, deputy solicitors, and assistant deputy solicitors when serving outside of their circuit; to prohibit all such solicitors, deputy solicitors, and assistant deputy solicitors from the practice of law, directly, or indirectly, in any of the courts of the State of Alabama, or of the United States, or in any other manner or form whatsoever, except in the performance of their official duties as such solicitor, deputy solicitor, and assistant deputy solicitor; to provide for furnishing by the State the necessary stationery, telephones, stamps, supplies, and equipment to each of the several solicitors, deputy solicitors, and assistant deputy solicitors, to require the county governing body of each county in which any such solicitor, deputy solicitor, or assistant deputy solicitor is a resident to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors, deputy solicitors, and assistant deputy solicitors, and to make provision for the payment of such salaries as well as the expenses authorized hereunder, and to provide the effective dates of this Act, and to repeal all laws, general, local, and special, and parts of such laws in conflict herewith.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

BILLS ON THIRD READING

H. 550. (with substitute): To further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for H. 550:

A BILL

To be entitled An Act to further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. The powers, functions and duties of the State Treasurer shall be:

1. To receive all moneys due the State and deposit them in the proper accounts.

2. To perform the functions and duties now authorized by law with respect to State depositories.

3. To pay all warrants duly executed by an authorized officer or employee in the Department of Finance, upon the determination that there is sufficient money for the payment thereof in the fund upon which they are drawn. No warrant executed by any other person shall be honored. All checks drawn on the State Funds shall be countersigned by the Special Assistant in the office of the

State Treasurer, who is appointed by the State Treasurer with the approval of the Governor. Another employee may be designated by the State Treasurer with the approval of the Governor to countersign checks in the absence of the Special Assistant. No checks shall be honored unless so signed and countersigned.

4. To take receipts for all payments, to file such receipts and warrants, to number same in chronological order for each fiscal year, and to keep account of the receipts and expenditure of the public money.

5. To particularly enter in his books the amounts of money he receives for taxes, licenses, or on any other account of the State, so that the net receipts of the whole revenue as well as of every branch thereof and the amounts of disbursements shall distinctly appear.

6. To give information in writing to the Legislature or either house thereof or to the Governor when required, reporting all matters pertaining to his office.

7. To pay the principal and interest on the State debt and for the purpose of paying the interest on the bonded indebtedness of the State, it is his particular duty to conform in all respects to the requirements of the law as set forth in Sections 836 to 840 inclusive of the Code of Alabama, 1923.

8. To have the custody of and to keep safe all moneys, bonds and other securities held in any sinking fund for the payments of bonds of the State and to do and perform such other duties with reference to State Bonds and their redemption as are now, or may be, required by law and as are now particularly set forth in Sections 841 to 851 inclusive of the Code of 1923.

9. To have the custody of and to keep safe all moneys, bonds, mortgages and other securities required or permitted by law to be deposited with the State or any officer thereof, by any bank, trust company, insurance company, mutual aid or benefit association, or other person or corporation, and also all securities held by the State, including those held for the account of any sinking fund (including those heretofore in the custody of the Sinking Fund Commission) and all official bonds of State officers and employees. All such moneys, bonds, mortgages, and other securities shall be guarded at all times by a bonded officer or employee while in the office of the State Treasurer, and shall, upon receipt, be deposited in a burglar-proof and fire-proof vault by the State Treasurer. Until the State shall have acquired an adequate burglar-proof and fire-proof vault, the combinations to which shall be known only to the State Treasurer and an adequately bonded employee, all such bonds, mortgages and other securities shall be kept in safety deposit boxes or vaults in one or more banks or trust companies approved for that purpose by the State Treasurer. In any event,

however, whether any vault shall have been acquired by the State or not, when requested by any depositor, the State Treasurer may authorize the deposit of any money, bonds, mortgages, or other securities by such depositor with a bank or trust company in the State of Alabama to be held in its safety deposit boxes or vaults, which bank or trust company shall have been approved in advance by the State Treasurer and which shall have executed with the State Treasurer a contract with respect to the safe keeping of such money, bonds, mortgages or other securities, and the substitution therefor of other money, bonds, mortgages or other securities. Such contract shall be approved in writing by such depositor. Any charges in connection with such deposit shall be paid by such depositor. The State Treasurer shall not be personally liable for the loss of money, bonds, mortgages, or other securities so deposited if he shall have used reasonable precaution in approving such bank or trust company. The official bonds of State Officers and employees shall be recorded by the Treasurer in well bound books provided for that purpose.

10. To execute an official bond in the sum of One Hundred Fifty Thousand Dollars to be approved by the Governor of the State and to be made, secured and insured by two or more qualified guarantee companies, which companies, have qualified to do business with the State. The premiums on said bond not to exceed Five Hundred Dollars are to be paid by the State out of the Fund appropriated hereby from the State Treasury. When, in the opinion of the Governor, it is considered necessary, the Treasurer shall be required to give an additional bond in such a sum as is determined by the Governor, the premium thereon to be paid from the State Treasury.

11. To serve as a member of the State Board of Adjustment and of the other boards and commissions of which he is by law made a member.

12. To have access to all records and accounts relating to receipts and disbursements of the State Treasury in any other department, board, bureau, commission, agency or office of the State, to enable him the better to perform the functions and duties required of him by the Constitution and laws of the State and to protect himself in the performance of those functions and duties.

13. To make such reports as are required by the Constitution which reports shall, however, be printed and bound with and as a part of the annual financial report of the State prepared by the Department of Finance and to make such other reports as may be required by the Governor or the Legislature.

14. Should legislation be passed requiring the same, to pay salary warrants issued to State officers and employees semi-monthly and to pay Pension Warrants issued to Confederate Soldiers and

Sailors and the Widows of Confederate Soldiers and Sailors monthly.

15. To furnish to the State Comptroller on or before the 10th of each month a list of all outstanding warrants existing at the end of the month next preceding and from the beginning of the fiscal year as shown by the records of the State Treasurer's office.

16. To take out security insurance for the safe keeping of bonds, robbery, insurance, burglary insurance or such other insurance as may be deemed necessary for the safeguarding of money and security, the premium thereon to be paid from the State Treasury.

17. To keep in a permanent record in the Treasurer's office the lists of Confederate Pensioners and pension warrants as prepared and issued by the State Auditor and the Welfare Department and Comptroller and not less than Five days before the first day of each month to furnish to the Welfare Department a list of all outstanding warrants.

18. To perform such other duties as are, or may be, by law required of him.

Anything in this act to the contrary notwithstanding, all officers and employees in the office of the State Treasurer who would otherwise be subject to the provisions thereof, shall be subject to the provisions of the Merit System Act approved March 2, 1939.

Section 2. For the performance of the extra, new, and additional duties imposed on the State Treasurer by the provisions of this act, he shall receive an additional Six Hundred Dollars (\$600.00) per annum as compensation, in addition to the salary now provided by law, said additional Six Hundred Dollars (\$600.00) to be paid as the salaries of other state officers are paid and there is hereby appropriated out of the State Treasury for the payment of the additional compensation herein provided for, the sum of Six Hundred Dollars (\$600.00) per annum.

Section 3. The Treasurer shall have authority to incur such travel expense as may be deemed necessary in the discharge of the duties of his office, either by himself or other employees of his office, reimbursement therefor to be made from the State Treasury, on accounts duly presented and approved by the Governor.

Section 4. The Governor shall exercise a general superintendence over the office of State Treasurer.

Section 5. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 550, was adopted.

Yeas, 55; Nays, 22.

Yeas:

Mr. Speaker	Dominick	Miller	Segrest
Bagley	Ellis	McCord	Sessions
Ball	Flowers	McDanal	Sightler
Barchard	Garrett	McGowin	Spence
Beck	Golson	Nation	Stallings
Boswell	Gwin	Neighbors	Stone
Brown (Covington)	Haynes	Payne	Taylor
Carwile	Hill	Pitts	Thomas
Castleberry	Hodo	Pool	Tucker
Chewning	Jones	Robertson (Cullman)	Waldrop
Cobb	Kaul	Robinson (St. Clair)	Wallace
Cope	Langan	Sadler	Welch
Dearman	Lovelace	Sanderson	Young
Delony	Martin	Scott	

—55

Nays:

Messrs.:	Dobbs	Hare	Robinson (Lowndes)
Allen	Doster	Jenkins	Sherrer
Austin	Gewin	Locke	Tidmore
Christopher	Graham	Newman	Weston
Davis (Madison)	Green	Norman (Bullock)	Wood
Devers	Hardwick	Peacock	

—22

And said bill:

H. 550. To further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

As amended by the substitute reported by the Standing Committee on Appropriations, was read a third time at length and passed:

Yeas, 56; Nays, 23.

Yeas:

Mr. Speaker	Dominick	Martin	Scott
Ball	Ellis	Miller	Segrest
Barchard	Flowers	McCord	Sessions
Beck	Garrett	McDanal	Sightler
Boswell	Golson	McGowin	Spence
Branyon	Green	Nation	Stallings
Brown (Covington)	Gwin	Neighbors	Stone
Carwile	Haynes	Payne	Taylor
Castleberry	Hill	Pitts	Thomas
Chewning	Hodo	Pool	Tucker
Cobb	Jones	Robertson (Cullman)	Waldrop
Cope	Kaul	Robinson (St. Clair)	Wallace
Dearman	Langan	Sadler	Welch
Delony	Lovelace	Sanderson	Young

—56

Nays:

Messrs:	Doster	Mathews (Clarke)	Robinson (Lowndes)
Allen	Gewin	Newman	Sherrer
Christopher	Graham	Norman (Bullock)	Tidmore
Dearman	Hardwick	Peacock	Weston
Devers	Hare	Phillips	Whigham
Dobbs	Jenkins	Quarles	Wood

—23

(With substitute):

H. 555. To further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local in conflict herewith.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for H. 555:

A BILL

To be entitled An Act to further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local, in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act, the powers, functions and duties of the State Auditor shall be those enumerated herein: (a) those enumerated in the Constitution; (b) those enumerated in Sections 804, 805, 830, 831 and 2933 to 2974 both inclusive of the Code of Alabama of 1923; and (c) the post-auditing of the accounts and records of the Department of Finance and the State Treasurer. The State Auditor shall continue to serve on the boards and commissions of which he is by law an ex-officio member.

The State Auditor shall make a full and complete report to the Governor at the close of each fiscal year showing the audited receipts and disbursements of the government for the last completed fiscal year as required by the Constitution, and as shown by the records and documents in the office of the Department of Finance, which records shall be audited by him. This report shall also include the results of his audit of all taxes and revenues collected and paid into the Treasury, and shall also give the results of all other audits made by him. This report shall be printed and bound with and as a part of the annual financial report of the State prepared by the Department of Finance. The State Auditor shall make reports oftener upon any matters pertaining to his office if required by the Governor or the Legislature.

It is also the purpose of this Act to restrict the duties of the State Auditor to: (a) Those of stating and settling the State Treasurer's accounts as provided by sections 830, 831 and 2933 to 2974 both inclusive of the Code of Alabama of 1923; (b) those of post-auditing the accounts and records of the Department of Finance, and the State Treasurer; (c) to serve on those boards and commissions upon which he is, by law, required to serve; and (d) those prescribed by the Constitution. He shall not draw any warrants on the State Treasury.

Section 2. For the performance of the extra, new and additional duties imposed upon the State Auditor by this act, he shall receive an additional sum of Six Hundred Dollars (\$600.00) per annum as compensation, in addition to the salary now provided by law, said additional amount to be paid out of the State Treasury as the salaries of other state officers are paid, and there is hereby appropriated out of the State Treasury for the payment of the additional compensation herein provided for the sum of Six Hundred Dollars (\$600.00) per annum.

Section 3. For the proper discharge of the powers, functions and duties hereby placed upon him and required to be performed by him, he may in addition to the employees now provided by law for the office of the State Auditor, employ, with the approval of the Governor, such additional employees as are necessary for the proper discharge of these powers, functions and duties, and may, with the approval of the Governor, fix their salaries, which salaries shall be paid as the salaries of other state employees are paid. Anything in this act to the contrary notwithstanding, all officers and employees in the office of the State Auditor who would otherwise be subject to the provisions thereof, shall be subject to the provisions of the Merit System Act approved March 2, 1939.

Section 4. There is hereby appropriated annually out of the State Treasury for the payment of the salaries of the officers and employees in the office of the State Auditor, other than the compensation of the State Auditor, the amount of \$15,600.00, which is the same amount as, and not in addition to, the amount of \$15,600.00 appropriated for said purpose in the General Appropriation Act for the quadrennium beginning October 1, 1939.

Section 5. All laws and parts of laws in conflict with any provision of this Act, are to the extent of such conflict hereby repealed.

Section 6. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Tucker offered the following amendment to the substitute for the bill, H. 555:

AMENDMENT TO SUBSTITUTE TO H. 555, BY MR. TUCKER

Amend Substitute to H.B. 555 by inserting in Section 2 thereof the figure \$1200.00 in the place of \$600.00 where said figures appear in said section.

On motion of Mr. Norman of Bullock, the amendment offered by Mr. Tucker was laid upon the table.

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 555, was adopted.

Yeas, 58; Nays, 16.

Yeas:

Mr. Speaker	Delony	Martin	Scott
Allen	Dominick	Miller	Segrest
Austin	Ellis	McCord	Sessions
Bagley	Flowers	McDanal	Sightler
Ball	Garrett	McGowin	Spence
Barchard	Golson	Nation	Stallings
Beck	Gwin	Neighbors	Stone
Boswell	Haynes	Payne	Taylor
Branyon	Hill	Pitts	Thomas
Brown (Covington)	Hodo	Pool	Toomer
Carwile	Jones	Robertson (Cullman)	Tucker
Castleberry	Kaul	Robinson (St. Clair)	Waldrop
Chewning	Langan	Sadler	Wallace
Cobb	Locke	Sanderson	Welch
Dearman	Lovelace		

—58

Nays:

Messrs.:	Hardwick	Norman (Bullock)	Sherrer
Christopher	Jenkins	Peacock	Tidmore
Davis (Madison)	Mathews (Clarke)	Quarles	Weston
Devers	Newman	Robinson (Lowndes)	Whigham
Gewin			

—16

And said bill:

H. 555. To further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local in conflict herewith.

As amended by the substitute reported by the Standing Committee on Appropriations, was read a third time at length and passed:

Yeas, 57; Nays, 15.

Yeas:

Mr. Speaker	Boswell	Cobb	Flowers
Allen	Branyon	Dearman	Garrett
Austin	Brown (Covington)	Delony	Golson
Ball	Carwile	Dobbs	Gwin
Barchard	Castleberry	Dominick	Haynes
Beck	Chewning	Ellis	Hill

Hodc	McDanal	Robinson (St. Clair)	Stone
Jones	McGowin	Sadler	Taylor
Kaul	Nation	Scott	Thomas
Langan	Neighbors	Segrest	Tucker
Locke	Payne	Sessions	Waldrop
Lovelace	Pitts	Sightler	Wallace
Martin	Pool	Spence	Welch
Miller	Robertson (Cullman)	Stallings	Young
McCord			

—57

<i>Nays:</i>			
Messrs.:	Gewin	Peacock	Tidmore
Christopher	Hardwick	Quarles	Weston
Davis (Madison)	Mathews (Clarke)	Robinson (Lowndes)	Whigham
Devers	Newman	Sherrer	Wood

—15

(With substitute):

H. 710. To further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Sections 600-609, inclusive, of the Agricultural Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for H. 710:

A BILL

To be entitled An Act to further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Sections 600-609, inclusive, of the Agricultural Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this Act, all of the functions, duties and powers of the industrial section of the Department of Agriculture and Industries are placed upon and vested in and shall be exercised by the Commissioner of Agriculture and Industries under the supervision of the State Board of Agriculture and Industries.

Section 2. That the functions, duties and powers of the industrial section of the Department of Agriculture and Industries, which are hereby placed upon, vested in and to be exercised by the

Commissioner of Agriculture and Industries under the supervision of the State Board of Agriculture and Industries are as follows: (1) To investigate and ascertain the industrial possibilities of the State of Alabama and to seek to secure the development of the same. (2) To collect statistics in regard to industrial development in the State of Alabama. (3) To make investigations as to any matter relative to industrial development and possibilities. (4) To cooperate in the fostering and development of the industrial interests of the State. (5) To cooperate especially in the promotion, establishment and location of industries in the smaller municipalities and rural communities of the State which use as a raw material farm products of any character. (6) To cooperate with the State Chamber of Commerce, local Chambers of Commerce and all local industrial boards to promote the purposes of this Act. (7) To organize and control the industrial section of the Department of Agriculture and Industries for the purpose of carrying out the provisions of this Act. (8) To employ such clerical assistants, agents or representatives and to secure such expert advice or assistance as may be necessary for carrying out the purposes of this Act.

In the discharge of the functions, duties and powers placed upon, vested in and to be exercised by him in accordance with the provisions of this Act, the Commissioner of Agriculture and Industries shall have the right to call on all State departments, institutions, agencies, bureaus, boards or commissions for assistance, reports, advice and information and it shall be the duty of such departments, institutions, agencies, bureaus, boards or commissions to comply with such request.

Anything in this act to the contrary notwithstanding, all officers and employees of the Department of Agriculture and Industries who would otherwise be subject to the provisions thereof, shall be subject to the provisions of the Merit System Act, approved March 2, 1939.

Section 3. For the performance of the extra, new and additional duties imposed upon the Commissioner of Agriculture and Industries by this Act, he shall receive an additional Twelve Hundred and 00/100 Dollars (\$1200.00) per annum as compensation, said Twelve Hundred and 00/100 Dollars (\$1200.00) per annum to be paid as the salaries of other State officers are paid and from the fund or funds from which the salary of the Commissioner of Agriculture and Industries is paid.

Section 4. That Article 42, Sections 600-609, inclusive, of the Agricultural Code of Alabama and all laws and parts of laws, general, special and local, in conflict herewith be and the same are hereby expressly repealed.

Section 5. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Norman of Bullock offered the following amendment to the substitute for the bill, H. 710:

AMENDMENT TO SUBSTITUTE FOR H. 710, BY MR. NORMAN
OF BULLOCK

Amend Sec. 3 of Substitute for H. 710 by striking out the words and figures Twelve Hundred Dollars (\$1200.00) where they appear in said section and inserting in lieu thereof the words and figures Six Hundred Dollars (\$600.00)

Mr. Martin moved to table the amendment offered by Mr. Norman of Bullock, and the motion to table was lost.

And the amendment offered by Mr. Norman of Bullock to the substitute for the bill, H. 710, was adopted.

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 710, as amended by the amendment offered by Mr. Norman of Bullock was adopted.

Yeas, 43; Nays, 16.

Yeas:

Mr. Speaker	Delony	Lovelace	Sanderson
Ball	Dominick	Martin	Scott
Barchard	Ellis	Miller	Sightler
Barnes	Flowers	McCord	Spence
Beck	Garrett	McDanaI	Stone
Boswell	Golson	McGowin	Taylor
Branyon	Gwin	Payne	Thomas
Castleberry	Hill	Pitts	Wallace
Chewning	Jones	Pool	Welch
Cobb	Kaul	Robinson (St. Clair)	Young
Dearman	Langan	Sadler	

—43

Nays:

Messrs.:	Graham	Peacock	Stallings
Christopher	Hare	Quarles	Tidmore
Davis (Madison)	Mathews (Clarke)	Robinson (Lowndes)	Whigham
Dobbs	Newman	Sherrer	Wood
Gewin			

—16

And said bill:

H. 710. To further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Sections 600-609, inclusive, of the Agricultural Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

As amended, was read a third time at length and passed.

Yeas, 43; Nays, 16.

Yeas:

Mr. Speaker	Delony	Love'ace	Sanderson
Ball	Dominick	Martin	Scott
Barchard	Ellis	Miller	Sightler
Barnes	Flowers	McCord	Spence
Beck	Garrett	McDanal	Stone
Boswell	Golson	McGowin	Taylor
Branyon	Gwin	Payne	Thomas
Castleberry	Hill	Pitts	Wallace
Chewning	Jones	Pool	Welch
Cobb	Kaul	Robinson (St. Clair)	Young
Dearman	Langan	Sadler	

—43

Nays:

Messrs.:	Graham	Peacock	Stallings
Christopher	Hare	Quarles	Tidmore
Davis (Madison)	Mathews (Clarke)	Robinson (Lowndes)	Whigham
Dobbs	Newman	Sherrer	Wood
Gewin			

—16

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses on the bill:

H. 223. To amend Section I as amended by an act approved March 3, 1939, and Section II, III and V of an act entitled, "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935.

By a vote of: Yeas, 25; Nays, 0.

And said bill as thus amended by the Conference report was again read a third time at length and passed: Yeas, 26; Nays, 0.

And return same herewith to the house.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. Young:

S. 64. To provide for licensing of coal mining in Alabama; to prescribe the terms and conditions for the issuance of licenses to operate any coal mine or to engage in the business of operating any coal mine in Alabama; to fix the amount and provide for the payment of such licenses; to provide for the use of the proceeds derived from the issuance of such licenses; to provide for the suspension, revocation or cancellation of any such licenses; to prescribe and define the powers and additional duties of the Chief of the Division of Safety and Inspection, Department of Industrial Relations, in connection with the administration and enforcement of this Act to provide for hearings and determinations by the Chief Safety Inspector of questions arising in the administration and enforcement of the provisions of this Act, for procedure in such hearings, and for appeals therefrom; to provide punishment for operating such coal mine, or for engaging in the business of operating such coal mine, without such license; to provide punishment for divulging information contained in applications for such license; and to provide for remedies or procedure for the enforcement of this Act;

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Ways and Means, S. 64.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment.

By Mr. Shaver:

S. 436. To prescribe additional powers, duties, and authorities of the Department of Conservation and the Director of Conservation with reference to the operation and maintenance of State

Parks and the acquisition of lands for such Parks; to authorize the execution of contracts arising out of the use and ownership of such lands and the waters thereof; to authorize the adoption of rules and regulations governing the use of State Parks and to provide penalties for the violation thereof; to provide for roads and highways therein; to authorize counties and municipalities to aid in the promotion of the State Park system; and to create a State Park Fund.

Also:

By Mr. Young:

S. 429. To authorize the Department of conservation to have complete management of and supervision over certain public lands and lands of public institutions. To authorize the Department of Conservation to have complete management of and supervision over all school lands as defined in Section 629 of the 1927 Alabama School Code, which lands are now vested in or which may hereafter be vested in the State of Alabama in trust for the use of schools; to empower the Director of Conservation to supervise the management and utilization of such lands; to authorize the Director of Conservation to sell timber or minerals from school lands or lease such lands; to provide for the clearing of title thereto; to provide for the disposition of revenues from such sales or leases and to further provide the method by which such revenues shall be apportioned to the proper townships; to repeal certain Sections of the Alabama School Code; to further authorize the Department of Conservation to have complete management of and supervision over all Swamp and Overflowed Lands which are now owned or which may hereafter be owned by the State of Alabama; to empower the Director of Conservation to supervise the practice of forestry thereon; to sell all merchantable timber or minerals when in his opinion same is advisable; to provide for the disposition of revenues from such sales; to have title to such land examined and cleared; to repeal certain Sections of the Code of Alabama; to further provide for the sale or exchange of school land; to further provide for the disposition of the revenue from such sales and the method by which such revenue shall be apportioned to the proper townships; to provide for the lease, exchange or sale of Swamp and Overflowed Lands and provide for the disposition of revenue from such leases or sales; to further provide for the correction of the records in the Secretary of State's office which pertain to such State Lands for the purpose of facilitating the management and supervision thereof;

Also:

By Mr. Stakely:

S. 290. To further regulate the office of Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

Also:

By Mr. Stakely:

S. 291. To amend Sections 10332, 10334 and 10335 of the Code of 1923, relating to the reporter of decisions of the Supreme Court, fixing his salary and regulating the duties thereof.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Forestry and Conservation—S. 436; S. 429.

Appropriations—S. 290; S. 291.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

By Mr. Malone:

S. 470. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, authorizing the issuance of not exceeding \$900,000 of bonds for the purpose of paying or retiring certain bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such elections.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the

same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The above and foregoing bill, S. 470, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

By Mr. Malone:

S. 474. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama (1) authorizing the issuance of not exceeding \$5,000,000 of bonds for the purpose of refunding certain bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, outstanding on July 1, 1939, (2) authorizing the Governor to negotiate certain temporary loans in addition to those authorized by Section 213 of the Constitution, as amended, in anticipation of the collection of taxes by the State, for the purpose of providing funds for the prompt payment of the expenses of the State government, and (3) prohibiting the incurring of obligations by agencies of the State, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified, shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such

fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenues or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void."

Following the proposed amendment on the ballot shall be printed the word "YES" and immediately under that shall be printed the word "NO". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a

majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The above and foregoing Bill, S. 474, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. Young:

S. 304. To further regulate and define the powers, functions and duties of the Director of the Department of Archives and History.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Appropriations—S. 304.

BILL ON THIRD READING

(With substitute):

H. 259. To increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for H. 259:

A BILL

To be entitled An Act to increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now prescribed by law to be performed by the State Superintendent of Education, he is hereby required to perform the following additional duties:

(a). To make an inventory of all school buildings and sites and to keep a continuous inventory of the same thereafter.

(b). To cooperate with county and city boards of education in securing Federal grants to assist in school building construction by making special studies of school building needs on request of local school authorities and making the same available to the proper Federal agencies.

(c). To make special studies presenting the need of public education in Alabama for general Federal aid for the support of the public schools and to make the same available to appropriate Federal agencies.

Section 2. For the performance of the extra, new and additional duties imposed on the State Superintendent of Education by the provisions of this act, he shall receive an additional Six Hundred Dollars (\$600.00) per annum as compensation, in addition to the salary now provided by law, said additional Six Hundred Dollars (\$600.00) to be paid as the salaries of other state officers are paid and there is hereby appropriated out of the State Treasury for the payment of the additional compensation herein provided for, the sum of Six Hundred Dollars (\$600.00) per annum.

Section 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. That this act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute reported by the Standing Committee on Appropriations for the bill, H. 259, was adopted.

Yeas, 53; Nays, 17.

Yeas:

Mr. Speaker

Barchard

Barnes

Beck

Boswell

Branyon

Brown (Covington) Ellis

Carwile

Castleberry

Chewning

Dearman

Delony

Dominick

Ellis

Flowers

Garrett

Golson

Gwin

Haynes

Hill

Hodo

Jones

Kaul

Langan

Lovelace

Martin

Miller

McCord

McDanal	Robertson (Cullman)	Sessions	Thomas
McGowin	Robinson (St. Clair)	Sightler	Toomer
Nation	Sadler	Spence	Waldrop
Neighbors	Sanderson	Stallings	Wallace
Payne	Scott	Stone	Welch
Pitts	Segrest	Taylor	Young
Pool			

—53

Nays:

Messrs.:	Gewin	Newman	Robinson (Lowndes)
Bagley	Hardwick	Norman (Bullock)	Sherrer
Christopher	Hare	Peacock	Tidmore
Cobb	Locke	Quarles	Wood
Davis (Madison)	Mathews (Clarke)		

—17

And the said bill:

H. 259. To increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

As amended, was read a third time at length and passed.

Yeas, 53; Nays, 17.

Yeas:

Mr. Speaker	Flowers	McCord	Segrest
Barchard	Garrett	McDanal	Sessions
Barnes	Golson	McGowin	Sightler
Beck	Gwin	Nation	Spence
Boswell	Haynes	Neighbors	Stallings
Branyon	Hill	Payne	Stone
Brown (Covington)	Hodo	Pitts	Taylor
Carwile	Jones	Pool	Thomas
Castleberry	Kaul	Robertson (Cullman)	Toomer
Chewning	Langan	Robinson (St. Clair)	Waldrop
Dearman	Lovell	Sadler	Wallace
Delony	Martin	Sanderson	Welch
Dominick	Miller	Scott	Young
Ellis			

—53

Nays:

Messrs.:	Gewin	Newman	Robinson (Lowndes)
Bagley	Hardwick	Norman (Bullock)	Sherrer
Christopher	Hare	Peacock	Tidmore
Cobb	Locke	Quarles	Wood
Davis (Madison)	Mathews (Clarke)		

—17

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A. M. on August 31, 1939:

H. 403.

H. 526.

H. 527.

H. 544.

H. 591.

H. 592.

H. 625.

H. 684.

H. 700.

H. 701.

H. 719.

H. 726.

H. 727.

H. 776.

H. 777.

H. 778.

H. 785.

H. 786.

H. 794.

Delivered to the Governor at 4:10 P. M. on August 31, 1939:

H. 321.

H. 322.

Delivered to the Governor at 6:10 P. M. on August 31, 1939:

H. 147.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Stone, the House in accordance with a House joint resolution heretofore adopted adjourned until Tuesday, September 5th, 1939, at 10 o'clock, A.M.

FORTY-FOURTH DAY

House of Representatives,
Montgomery, Alabama,

Tuesday, September 5th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Snyder of the House.

ROLL CALL

On a call of the roll of the House the following members answered to their names.

Mr. Speaker	Dominick	Mathews (Clarke)	Scott
Allen	Doster	Matthews (Jackson)	Segrest
Austin	Ellis	Mayhall	Sessions
Bagley	Flowers	Meggins	Sherrer
Ball	Garrett	Miller	Sightler
Barchard	Gewin	McCord	Smyer
Barnes	Golson	McDanal	Snyder
Beck	Graham	McGowin	Spence
Booth	Graves	Nation	Stallings
Boswell	Green	Neighbors	Stone
Branyon	Gwin	Newman	Taylor
Brown (Covington)	Hall	Norman (Bullock)	Thomas
Brown (Lee)	Hardwick	Norman (Lowndes)	Tidmore
Carwile	Hare	Owens	Toomer
Castleberry	Haynes	Payne	Tucker
Chewning	Henson	Peacock	Walden
Christopher	Hill	Petrey	Waldrop
Clayton	Hodo	Phillips	Wallace
Cobb	Jenkins	Pitts	Waller
Collier	Jones	Pool	Welch
Cook	Kaul	Quarles	Weston
Cope	Langan	Robertson (Cullman)	Whigham
Davis (Madison)	Langley	Robinson (Lowndes)	White
Darman	Locke	Robinson (St. Clair)	Wood
Delony	Loveland	Sadler	Wright
Devers	Martin	Sanderson	Young
Dobbs			

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:—

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the

House for the forty-third legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-third legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the forty-third legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS.

Mr. Speaker :

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit :

H. 259. To increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

Also :

H. 479. To amend Schedule 20 of Article XIII, Chapter I on an Act entitled, "An Act to provide for the general Revenue of the State of Alabama", approved July 10th, 1935.

Also :

H. 534 To amend Section 1 of an Act entitled "An Act to Create a Board to be known as 'State Board of Adjustment'; to name its personnel; to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor" approved September 14, 1935.

Also :

H. 550. To further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

Also :

H. 555. To further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local, in conflict herewith.

Also:

H. 627. To amend Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 710. To further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Sections 600-609, inclusive, of the Agricultural Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

Also:

H. 716. To provide for and regulate a system of Probation and Parole of persons convicted of crime in Juvenile and Domestic Relations Courts and courts of like jurisdiction in each and all counties of this State which now have a population of ninety-eight Thousand population or more, according to the last Federal Census or which shall have such population or more according to any such census hereafter taken; to authorize the suspension of the execution of sentences in such cases; to provide for the release on probation and supervision of persons on probation or parole and whose sentences are suspended; to prescribe the conditions of probation and parole; to provide for the re-arrest and recommitment of Probationers and Parolees violating their conditions of probation or parole; and to provide for the payment of costs of court in cases where execution of sentence is suspended.

Also:

H. 928 To regulate, define and license the practice of Barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to authorize the County Board of Barber Examiners to establish minimum prices and hours for Barbers in said County when the same have been agreed to by not less than 80% of all the licensed and registered Barbers of said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this act.

Also:

H. 954 To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the

proper care of said textbooks, and to provide for the matching of Federal Funds available for public rural library service.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House Bills:

H. 223. To amend Section 1 as amended by an act approved March 3, 1939, and Sections II, III and V of an act entitled "An Act to provide for State planning of all public works and uses of land which are to be constructed or acquired with State funds, or located, constructed, or authorized by the State; all local improvements which, under the statutes, are required to be submitted to State authorities; also all projects of state magnitude, even though the construction and financing are to be done by local authorities exclusively; to provide for a State Planning Commission and to prescribe its composition, duties, powers and responsibilities; to authorize the legislature to provide the necessary appropriations to meet the expenses of carrying on the work of the commission under the provision of this Act," approved September 9, 1935.

Also:

H. 801. To amend Sections 2 and 4 of an act entitled "An Act to establish an Inferior Court in Macon County, Alabama to be known as the Inferior Court of Macon County, to abolish the County Court of Macon County, Alabama, and to confer upon said Inferior Court of Macon County the Criminal and Civil Jurisdiction concurrent with that of the Justices of the Peace in the County of Macon, Alabama, and all jurisdiction of the County Court of Macon County, Alabama; and to provide for a Clerk of said Court and prescribe his fees, and define his duties and compensation; to establish methods of procedure and fix the Court costs in said Court; to define the jurisdiction of said Court, and to provide for a Judge of said Court and provide and fix the method of his selection or election, and qualification and term or terms of office, define his power and duties, and fix the salary of such judge; and to provide for a solicitor for said Court and provide and fix the method of his selection or election, and qualification and term or terms of office,

prescribe his duties and fix the salary of such solicitor; to provide the method whereby the judge thereof may recuse himself. To provide for certificates of judgment of said Court and the recordination thereof; to provide the method of issuing warrants returnable to said Court, and to define and provide for the proceedings in said Court, and to provide for the transfer and trial of causes pending in the County Court of Macon County, at the time that this act takes effect, to the Inferior Court of Macon County," approved June 26, 1935.

Also:

H. 808. To repeal an act entitled "An Act to establish a budget, and provide for the preparation of same, for Macon County, Alabama, by the Board of Revenue of said County; to provide that the appropriations by said Board shall not exceed the income of said County as estimated and fixed in the said budget; to classify appropriations, and to provide for a reduction in said appropriations as so classified, where the income of the County is insufficient to make payment in full; to prohibit any official of said County, or any member of said Board of Revenue, or other person having charge of the disbursement or expenditure of Macon County funds, from expending, or contracting to expend, any amount in excess of the funds so appropriated and fixed by the said budget; to provide that all purchases made for the use of the County, or contracts entered into, where the amount to be expended is in excess of Fifty Dollars, shall be made to the lowest responsible bidder, and after notice given, as prescribed in this Act to make the violation of the provisions of this Act a Misdemeanor punishable by a fine in the amount specified herein and to provide that this Act become effective upon approval by the Governor, after passage, and that all laws in conflict herewith are repealed," approved June 6, 1935.

Also:

H. 815. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority and responsibilities of said Board and of the Chairman thereof and to

regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

Also:

H. 826. To create and establish a Board of Revenue in and for Macon County to be composed of five members, one of whom shall be chairman of said Board and to divide said county into four districts as constituted under the old Court of County Commissioners; to provide for the election of a member from each of said districts, to fix the qualifications of the members of said Board and provide where the members of said Board shall reside during their term of office; to define the term of office of each of said members of the Board of Revenue and provide for the filling of vacancies on said Board; to provide for the election of the chairman of said Board and the members designated at the expiration of their respective terms of office; to define the powers and jurisdiction of said Board; to provide the duties of the chairman of said Board and to define his powers; to provide for the election of a clerk of the Board of Revenue to fix his compensation and define his duties; to provide for the time of sessions of the Board of Revenue; to provide that the Board of Revenue shall keep a correct register of all claims presented against the County and the nature of such register and to provide for the compensation of the members of the Board of Revenue.

Also:

H. 836. To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled.

Also:

H. 839. To Repeal A Local Act of the Legislature of Alabama approved March 17th, 1936, Entitled "An Act To require the Court of County Commissioners or like governing body of Chilton County, Alabama to establish and make payment of an Agricultural Fund for the purpose of paying salaries and travel of a County Agricultural Agent, County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H club work and the salary of a Clerical Assistant to provide for the appointment and duties of a County Agricultural Agent, a County Home Demonstration Agent, an Assistant County Agricultural Agent in 4-H Club work, and a Clerical Assistant to provide necessary expenses to provide out of

what funds and in what order of preference said Agricultural Fund shall be paid, to provide when this act shall take effect."

Also:

H. 840. For the relief of T. L. McKee, Tax Collector of Chilton County, Alabama, and to authorize and direct the Probate Judge of Chilton County, Alabama, to issue to T. L. McKee a warrant in the sum of \$166.07 payable out of the General Funds of Chilton County, Alabama and directing and empowering the Treasurer of Chilton County, Alabama, to pay said warrant for the sum of \$166.07 out of the General Fund of Chilton County, Alabama, for monies stolen from the office of the Tax Collector of Chilton County, Alabama, by unknown party or parties on December 29th, 1936.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

INTRODUCTION OF BILLS

On a call of Counties, Bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Sightler (with notice and proof):

H. 1042. To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

Local Legislation No. 1.

Notice and proof H. 1042:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama during the 1939 Session thereof, which bill is in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Montgomery County Alabama is hereby authorized and empowered in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said amount to be paid in equal monthly installmentss.

Section 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Aug. 10-17-24-31

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, Cyrus B. Brown, a Notary Public in and for said County and State, personally appeared Frank Nunnelee, who is known to me and who, after first being duly sworn on oath, deposes and says that he is the Editor and Proprietor of the Montgomery Weekly, a weekly newspaper published in the County of Montgomery in this State, and that the attached notice was published once a week for four consecutive weeks on the following dates: August 10, August 17, August 24, and August 31, 1939, without cost to the State of Alabama.

FRANK NUNNELEE,
Editor and Proprietor of
The Montgomery Weekly.

Sworn to and subscribed before me, this the 1st day of September, 1939.

CYRUS B. BROWN,
Notary Public.

By Messrs. Hodo and Sessions:

H. 1043. To levy, in addition to all other taxes now levied, an additional sales tax of one (1%) percent in all Counties in this State having a population of more than Three Hundred Thousand, according to the last or any succeeding Federal Census, for the support, maintenance and operation of the public schools in such Counties.

Local Legislation No. 2.

By Messrs. Megginson, Langan and Stone (with notice and proof):

H. 1044. To Place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary

basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

Local Legislation No. 1.

Notice and proof H. 1044:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows:

AN ACT ENTITLED AN ACT

To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplied for said officer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the salary or compensation of the Sheriff of Mobile County, Alabama, shall be Sixty-Six Hundred (\$6,600.00) Dollars per annum, and the said Sixty-Six Hundred (\$6,600.00) Dollars annual salary or compensation shall be paid out of the County Treasury of Mobile County, Alabama, in equal monthly installments at the end of each month upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama.

Section 2. That when this Act goes into effect said Sheriff of Mobile County shall continue to collect all charges, fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and shall, during the last five (5) days of each calendar month pay into the County Treasury of Mobile County, Alabama, all such monies received or collected by him during the month or part thereof, next preceeding the date of such settlement or payment.

Section 3. The Sheriff of Mobile County, Alabama, may, after the effective date of this act employ the following assistants at the following rate of compensation: One (1) Chief Deputy Sheriff to receive Twenty-Four Hundred (\$2,400.00) Dollars per annum; Eight (8) Civil and Criminal Deputy

Sheriffs to receive Fifteen Hundred (\$1,500.00) Dollars each per annum; One (1) Civil and Criminal Deputy Sheriff who shall also act as Bailiff of the Inferior Court of Mobile County, Alabama, to receive Fifteen Hundred (\$1,500.00) Dollars per annum; Three (3) part time Deputy Sheriffs to receive Six Hundred (\$600.00) Dollars each per annum; Four (4) Jail Guards to receive Fifteen Hundred (\$1,500.00) Dollars each per annum; one (1) office employee to receive Eighteen Hundred (\$1,800.00) Dollars per annum; Two (2) office employees to receive Fifteen Hundred (\$1,500.00) Dollars each per annum; one (1) office employee to receive Nine Hundred (\$900.00) Dollars per annum; One (1) Jail Matron to receive Ten Hundred (\$1,000.00) Dollars per annum; one (1) Kitchen Steward to receive Nine Hundred (\$900.00) Dollars per annum. Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County.

Section 4. The governing body of Mobile County, Alabama, shall supply to the Sheriff of Mobile County, Alabama, all necessary equipment and supplies, including automobiles and accessories, upon the written requisition of said officer.

Section 5. This Act shall become effective and operative immediately upon the proclamation of the Governor of the State of Alabama declaring that the qualified electors of the State of Alabama have ratified the Constitutional Amendment authorizing the Legislature to place the above mentioned officer on a salary basis.

Aug. 12-19-26; Sept. 2

H. N. Curran being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register, Aug. 12, 19, 26; Sept. 2, 1939.

H. N. CURRAN.

Sworn to and subscribed before me this 2nd day of Sept. 1939.

ALETTA MOLPUS,

(Seal)

Notary Public.

By Mr. Hall (with notice and proof):

H. 1045. To provide for the division of Henry County, Alabama, into four Commissioners' Districts; to define the Boundary Lines thereof, by showing the Beats composing such Commissioners' Districts; to provide for the election of one member of the Court of County Commissioners from each of said Commissioners' Districts, by the respective voters of each of said Commissioners' Districts; to fix their terms of office and the date of their election; to repeal sections 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at regular Session, 1923, known as House Bill No. 354; to repeal section 1 of An Act passed, by the Legislature of Alabama, at extraordinary Session, 1932, known as House Bill No. 537; and to repeal Sections 1, 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at Regular Session, 1935, known as House Bill No. 430.

Local Legislation No. 1.

Notice and proof H. 1045:

NOTICE OF LOCAL LEGISLATION

Notice is hereby given that an Act will be introduced at the present session of the Alabama State Legislature providing:

AN ACT

To provide for the division of Henry County, Alabama, into four Commissioners' Districts; to define the boundary lines thereof, by showing the beats composing such Commissioners' districts; To provide for the election of one member of the Court of County Commissioners from each of said Commissioners' District, by the respective voters of each of said Commissioners' Districts; To fix their terms of office and the date of their election; To repeal sections 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at regular session, 1923, known as House Bill No. 354; To repeal Section 1 of An Act passed, by the Legislature of Alabama, at extraordinary Session, 1932, known as House Bill No. 537; and to repeal Sections 1, 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at regular Session, 1935, Known as House Bill No. 430.

G. D. HALSTEAD

(Aug. 10-17-24-31)

STATE OF ALABAMA,
HENRY COUNTY.

Before me T. J. Bland, a Notary Public in and for said county, in said State, personally appeared C. S. Keller, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for 4 consecutive weeks, on, to-wit: August 10-17-24-31, 1939.

Editor and Publisher, The Abbeville Herald
By C. S. KELLER.

Sworn to and subscribed before me, this 30th day of Aug., 1939.

(Seal) T. J. BLAND,
N. P.

By Mr. Hall (with notice and proof):

H. 1046. To create the office of County Road Engineer for Henry County, Alabama: to prescribe the qualifications, power, authority, and duties of said County Road Engineer; to provide for his appointment and the appointment of his successor; to fix his term of office and salary; and to authorize the Court of Commissioners of Henry County, Alabama, to enter into an agreement with the Alabama State Highway Director with regard, and to fix the amount of, and method of payment of the salary of said County Road Engineer.

Local Legislation No. 1.

Notice and proof H. 1046:

NOTICE OF LOCAL LEGISLATION

Notice is hereby given that an Act will be introduced at the present session of the Alabama State Legislature creating the office of County Road Engineer in and for Henry County, Alabama; also, to fix the terms of office, qualifications, duties and compensation of the County Road Engineer and to authorize the Court of Commissioners of Henry County, Alabama, to enter into an agreement with the Alabama State Highway Director, to fix the amount and method of payment of the salary of the County Road Engineer.

G. D. HALSTEAD

Aug. 10-17-24-31)

STATE OF ALABAMA, }
HENRY COUNTY. }

Before me E. B. Solomon, A Notary Public in and for said county, in said State, personally appeared C. S. Keller, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for 4 consecutive weeks, on, to-wit: Aug. 10, 17, 24 & 31, 1939

Editor and Publisher, The Abbeville Herald
By C. S. KELLER,

Sworn to and subscribed before me, this 2nd day of September, 1939.

E. B. SOLOMON,

(Seal)

Notary Public

By Mr. Hall (with notice and proof):

H. 1047. To abolish the office of County Road Supervisor in and for Henry County, Alabama.

Local Legislation No. 1.

Notice and proof H. 1047:

NOTICE OF LOCAL LEGISLATION

Notice is hereby given that an Act will be introduced at the present session of the Alabama State Legislature abolishing the office of Road Supervisor in and for Henry County, Alabama.

G. D. HALSTEAD

Aug. 10-17-24-31)

STATE OF ALABAMA,
HENRY COUNTY.

Before me, T. J. Bland, a Notary Public in and for said county, in said State, personally appeared C. S. Keller, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for 4 consecutive weeks, on, to-wit: Aug. 10-17-24-31, 1939

Editor and Publisher, The Abbeville Herald,
By C. S. KELLER.

Sworn to and subscribed before me, this 30th day of Aug. 1939.

T. J. BLAND,

(Seal)

N.P.

By Mr. Ball (with notice and proof):

H. 1048. To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

Local Legislation No. 1.

Notice and proof 1048:

NOTICE OF INTENTION TO APPLY FOR ENACTMENT OF LOCAL LAW.

To Whom It May Concern:

In pursuance of the requirements of Section 106 of the Constitution of Alabama of 1901, notice is hereby given that application will be made to the Legislature of Alabama at the special 1939 session thereof, for the enactment of a local law in substance and effect as follows:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the boundaries of the Town of Aliceville, Ala., in the County of Pickens, be and the same hereby are altered and re-arranged so as to include within the corporate limits of the Town of Aliceville, all the following described territory to wit:

Beginning at a point 1300 yards East of the center of the intersection of Broad Street and Third Avenue as shown by plat of said town of record in the Probate office of Pickens County, Ala., in Deed Book 15 at page 9, and running thence north 1,000 yards, thence west 2,600 yards, thence south 2,000 yards, thence east 2,600 yards, thence north 1,000 yards to starting point.

SECTION 2. Be It Further Enacted, that all laws and parts of laws, either general or special, in conflict with the provisions of this act be and the same are hereby repealed.

SECTION 3. That this act shall go into effect upon approval by the Governor.

Done by order of Town Council, this the 25th day of July, 1939.

F. H. SANDERS,

Mayor.

7-27-4t

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
Pickens County.

Before me, R. L. Curry, a Notary Public in and for said County, personally appeared Jack M. Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dates as follows. July 27th, 1939; August 3rd, 1939; August 10th, 1939; August 17, 1939.

JACK M. PRATT.

Subscribed and sworn to before me, this the 2nd day of September, 1939

R. L. CURRY,

Notary Public.

Publication fee \$12.24

Certificate—\$———

By Mr. McCord:

H. 1049. To prohibit the sale or giving away of Barbarturates and any and all of the derivatives of Barbarturates, without first obtaining a prescription therefor from a regular licensed physician; to fix penalties for violations of this act; to repeal any and all laws and parts of laws in conflict with this act and to provide that this act shall go into effect immediately upon its passage and adoption, by the Governor.

Public Health.

By Mr. Snyder:

H. 1050. To further regulate payment of old age Pensions and to appropriate an additional sum of \$350,000 from the general funds of the State to match the increased Federal old age benefits.

Appropriations.

By Mr. Dominick:

H. 1051. To regulate the fees charged in misdemeanor cases cognizable in justice of the peace courts which are tried in county courts, inferior courts, law and equity courts or courts of like jurisdiction where the defendant pleads guilty and no appeal is taken, including misdemeanor cases for violations of the State Highway Code, the State Highway Patrol Act and the rules of the road; to prohibit the taxation and collection of a solicitor's fee in such cases; and to repeal all laws and parts of laws, general, special and local, in conflict herewith.

Judiciary.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 433. To amend Sections 4, 5, 7, and 8 of an Act approved March 2, 1937, entitled "An Act to provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such boards, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds

to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain."

S. 434. To authorize each city and incorporated town in Alabama which now or hereafter owns and operates a municipal water works to transfer and convey such water works to the control, management and operation of a water board of such municipality, and to prohibit such water board from selling or transferring such water works so as to vest title into private ownership or control, except as security for money borrowed.

Mr. Martin, Chairman of the Standing Committee on Public Welfare and Corrective Institutions, reported that said committee in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 314. To further provide for and regulate pensions for Confederate soldiers and sailors and their widows.

Mr. Hill, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 404. To amend Section 1157 of the Code of 1923.

S. 405. To amend Section 1156 of the Code of 1923.

S. 406. To amend Section 4383 of the Code of 1923.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bill, and ordered same returned to the House with a favorable report :

H. 1036. To validate and make payable out of the General fund of Autauga County, Alabama all outstanding and unpaid warrants, issued to John A. Dickinson, as Judge of the Civil and Criminal Court of said county, and to authorize the Board of Revenue of said County to prescribe the manner in which said warrants are to be paid.

Mr. Brown, of Covington, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report :

S. 362. To provide a retirement fund for aged and incapacitated teachers in the state supported schools; to establish a teachers' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; and to provide a method of financing said system.

H. 1038. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

Mr. Branyon, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report :

H. 1034. To require Boards of Registrars to furnish Boards of Registrars of their respective counties with certain information and to further prescribe the duties of the Board of Registrars.

Mr. Ellis, Chairman of the Standing Committee on Municipal Organization, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with amendment :

(With Amendment) :

S. 461. To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be organized since the adoption of the 1901 Constitution of Alabama,

which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House without recommendation with substitute:

(Without recommendation with substitute):

H. 935. To provide the State Department of Revenue a remedy for the collection of delinquent taxes; to provide notices to be sent delinquent taxpayers for hearings on such delinquency; to provide the method and manner of such hearings; to provide for the assessment of such taxes; to provide appeals from such final orders made on such hearings; to provide for the issuance of writs of execution for the collection of such taxes and the method and manner of executing such writs with the fees allowed therefor; to provide for the disposition of funds collected thereby; to provide that the remedy prescribed herein shall be cumulative and apply to all delinquencies whether occurring hereafter or heretofore.

(Without recommendation with substitute):

H. 936. To amend sections 371, 383, and 403 of Chapter 2 of Article XIV of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935 (Gen. Acts 1935, pp. 256, 565, 566, 569, 572), to provide a lien for state and county license taxes and the priority thereof, to provide for the issuance of any execution by the State Department of Revenue, and to provide for notices given by the State Department of Revenue, County Boards of Equalization, Tax Assessors or Tax Collectors.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 441. To provide for the payment by Cullman County of the costs of local improvements on streets and avenues abutting County Property, and the interest thereon, done by the City of Cullman at the instance of the County authorities, under local improvement assessments made against said County by the City of Cullman dur-

ing the year 1928, which the City of Cullman had paid or is now liable to pay.

S. 442. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation, to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931", approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of

the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

S. 463. To create the office of county solicitor of Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County.

S. 464. To abolish the office of deputy solicitor of Chilton County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

H. 1032. To provide that membership in any national, State or local committee of any political party, or the holding of an office in a partisan or political club, shall not disqualify a person to hold any position to which any county-wide Civil Service System is or may be applicable, under any law now or hereafter existing, providing for a county-wide Civil Service System in any County in the State of Alabama, having according to the last or any future Federal Census, a population in excess of 100,000 inhabitants, and less than 300,000 inhabitants, provided said person held the membership or office in said political party on the date of the adoption of the said Civil Service System.

H. 1033. For the Relief of Horace Turner, out of the Road and Bridge Fund of Mobile County, Alabama.

H. 1040. To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 593. To authorize and provide for the payment of the sum of \$250.00 for the relief of Jacob Laagar of Madison County, Alabama, who was permanently injured while employed by the State of Alabama in the line and scope of his employment.

H. 970. To make an appropriation for the publication of the Alabama Official and Statistical Register.

S. 290. To further regulate the office of Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

S. 291. To amend Sections 10332, 10334 and 10335 of the Code of 1923, relating to the reporter of decisions of the Supreme Court, fixing his salary and regulating the duties thereof.

S. 409. To Authorize the Commissioner of Agriculture and Industries to expend from the Agricultural Fund, the sum of Five Thousand (\$5,000.00) Dollars toward the organization of the Alabama-Florida Unit of the National Cotton Council of America.

S. 289. To amend section 10314 of the Code of 1923, relating to the salary of the Marshal and Librarian of the Supreme Court.

S. 304. To further regulate and define the powers, functions and duties of the Director of the Department of Archives and History.

Mr. Mayhall, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report.

H. 1026. To amend an Act entitled "An Act to further provide for freeing Alabama highways of all toll bridges, through a corporation to be composed of the President of the State Board of Administration, the State Comptroller and the Chairman of the State Highway Commission, whose incorporation is authorized and to prescribe the power and authority of such corporation and provide it with funds necessary to enable it to accomplish the purpose of its creation," approved September 7, 1935, as the same may heretofore have been amended, by adding thereto Section 8½.

H. 1027. To amend the title and body of an Act entitled "An Act to provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama for the purpose of constructing or causing to be constructed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to

exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama," approved August 31, 1927, so as to provide that any bonds issued pursuant to the provisions of said Act may be refunded prior to the maturity dates thereof.

S. 340. To amend Section 13 of an act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration, examination and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the Director of Public Safety, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; and to repeal all laws and parts of laws in conflict herewith," approved March 18, 1939.

Mr. Mayhall, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with substitute:

(With substitute):

S. 351. To amend section four and section five and section seven and section eight of an act of the legislature House bill 112 of the General Acts of Alabama, extra session 1932, approved October 6, 1932, entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such

provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency."

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1029. To amend Section 12 of an Act entitled "An Act to regulate the business and trade of plumbing in all counties of this State having a population of 80,000 or more, according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof, and for the organization of said Board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and provide the ways and means of collecting funds for its maintenance and functioning: to define the terms "plumbing" "master plumber" and journeyman plumbers" for the purposes of this Act; provide for the examination, registration and licensing of master plumbers and journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and fix the fees to be assessed of applicants for examination, registration and licensing of such master plumbers or journeyman plumbers and for the renewals of such registration and licenses; to authorize and empower said Board of Plumbers Examination and Registration and Examination the power and authority to revoke after hearing, any licenses issued by said Board on account of any violation or violations of any provision or provisions of this Act by any master plumber or journeyman plumber, who may violate any of the provisions of this Act, and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various Circuit Courts of Alabama by any aggrieved person from any order ruling decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and also to repeal all laws in conflict herewith," approved Sept. 13, 1935.

The above and foregoing bills were severally read a second time and placed on the Calendar.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 996. A bill to be entitled An Act to propose and submit to the qualified electors of this state an amendment to the constitution of this state, to be known as the Securities Tax Amendment, defining the term "securities" as used therein to include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state and also any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state; granting to the Legislature power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions, except that such excise tax shall not be levied on evidences of ownership in corporations organized under the laws of any government other than this state when more than 50% of the gross annual income of such corporations is derived from sources within this state, or on evidences of indebtedness of such corporations when such evidences of indebtedness are secured by mortgage on property located in this state and such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon; and providing that no ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

Securities Tax Amendment. The term "securities" as used herein shall include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state, and shall also include any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state. The Legislature shall have the power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions; provided, that such excise tax shall not be levied on any such evidence of ownership when more than 50% of the gross annual income of the corporation by which such evidence of owner-

ship was issued is derived from sources within this state; provided further, that such excise tax shall not be levied on any such evidence of indebtedness secured by mortgage on property located in this state when such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon. No ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Section 2. An election by the qualified electors of the State of Alabama is hereby ordered on the amendment to the constitution of Alabama proposed in Section 1 hereof, and the day appointed for such election is the day of the next general election after the final adjournment of the session of the Legislature at which the said amendment is proposed.

Section 3. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the state once a week for eight consecutive weeks next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed or partly printed and partly written the following:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

Securities Tax Amendment. The term "securities" as used herein shall include any evidence of ownership in or indebtedness of any corporation organized under the laws of any government other than this state, and shall also include any evidence of indebtedness of any government or governmental or political subdivision other than this state or a governmental or political subdivision of this state. The Legislature shall have the power to levy an annual excise tax on such securities in an amount not exceeding 5% of the dividends and interest paid thereon during the year preceding the year in which such excise tax shall be payable, without deductions or exemptions; provided, that such excise tax shall not be levied on any such evidence of ownership when more than 50% of the gross annual income of the corporation by which such evidence of ownership was issued is derived from sources within this state; provided further, that such excise tax shall not be levied on any such evidence of indebtedness secured by mortgage on property located in this state when such mortgage shall have been filed for record in this state and any mortgage privilege tax levied by this state shall have been paid thereon. No ad valorem tax on such securities and no income, excise or other tax, on any income therefrom, the amount of which is measured by such income, shall be levied in this state.

Yes (-----)

No (-----)"

Section 5. The officers for such election shall be appointed and the said election shall be held in all respects as provided by the law governing general elections in the State of Alabama.

Section 6. The votes cast in such election shall be canvassed and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 996, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

S. 470. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, authorizing the issuance of not exceeding \$900,000 of bonds for the purpose of paying or retiring certain bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring, prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing

for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such elections.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par

value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, S. 470, proposing an amendment to the Constitution was read a second time at length and placed on the Calendar.

S. 474. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama (1) authorizing the issuance of not exceeding \$5,000,000 of bonds for the purpose of refunding certain bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, outstanding on July 1, 1939, (2) authorizing the Governor to negotiate certain temporary loans in addition to those authorized by Section 213 of the Constitution, as amended, in anticipation of the collection of taxes by the State, for the purpose of providing funds for the prompt payment of the expenses of the State government, and (3) prohibiting the incurring of obligations by agencies of the State, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and se-

cured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise

tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and

no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenues or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds, and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void."

Following the proposed amendment on the ballot shall be printed the word "YES" and immediately under that shall be printed the word "NO". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of Governor.

The above and foregoing bill, S. 474, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

MOTION IN WRITING

Notice is hereby given that on the 45th Legislative Day I will make a motion at the time required by the Rules of the House that the Committee on Ways and Means be directed to act on House Bill No. 975 and to report the same to the House at its next sitting; the same being the Committee on Ways and Means of the House to which said bill was referred.

Roy Mayhall,
Representative from Winston County.

The above motion in writing was read and ordered spread upon the Journal of the House.

BILLS ON THIRD READING

H. 1015. To amend Section 4 of an Act of the Legislature entitled: "An Act to amend an Act of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensations of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931,"; as amended by Acts of the Legislature of Alabama approved August 8, 1935, and found in Local Acts of Alabama, at pages 136 and 137.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	McGowin	Taylor
Barnes	Ellis	Nation	Thomas
Beck	Green	Neighbors	Tidmore
Booth	Gwin	Newman	Toomer
Boswell	Hall	Owens	Tucker
Branyon	Hare	Payne	Walden
Carwile	Haynes	Peacock	Waldrop
Castleberry	Henson	Petrey	Wallace
Chewning	Hill	Phillips	Waller
Christopher	Hodo	Pitts	Welch
Clayton	Jenkins	Pool	Weston
Cobb	Jones	Quarles	Whigham
Collier	Kaul	Snyder	White
Cook	Miller	Spence	Wood
Cope	McCord	Stallings	Wright
Dobbs	McDanal	Stone	Young
Dominick			

—65

On motion of Mr. Doster the bill, H. 1015, was ordered sent forthwith to the Senate without engrossment.

H. 988. To authorize the appointment of an additional deputy sheriff in all counties of not less than 34,000 and not more than 35,000 population according to the last preceding or any subsequent federal census, to provide for fixing and payment of his compensation and to provide for his qualification, removal and appointment of his successor, and for the discontinuance of the office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Lovelace	Sessions
Allen	Dobbs	Martin	Sightler
Austin	Dominick	McDanal	Snyder
Bagley	Ellis	McGowin	Stone
Barnes	Flowers	Nation	Taylor
Beck	Golson	Neighbors	Thomas
Booth	Graham	Newman	Tucker
Boswell	Graves	Payne	Walden
Branyon	Green	Peacock	Waldrop
Clayton	Gwin	Petrey	Wallace
Cobb	Hall	Phillips	Welch
Collier	Hardwick	Pitts	Whigham
Cook	Hare	Quarles	White
Cope	Haynes	Sadler	Wood
Davis (Madison)	Henson	Sanderson	Wright
Dearman	Hill	Scott	Young
Delony			

—65

On motion of Mr. Dobbs, the bill, H. 988, was ordered sent forthwith to the Senate without engrossment.

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Was taken up. Mr. Castleberry offered the following substitute for the bill, H. 982:

Substitute for H. 982, by Mr. Castleberry:

A BILL

To be entitled An Act to create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said county; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Be it Enacted by the Legislature of Alabama:

SECTION 1.—BOARD OF REVENUE AND CONTROL ESTABLISHED AND BOARD OF REVENUE ABOLISHED—

That there is hereby created and established in and for Conecuh County, Alabama, a Board of Revenue and Control, hereinafter to be cited in this act as the board; to consist of five members, one of whom shall be chairman, and there shall be one member from each of the four districts of the county as hereinafter defined; said board shall be known as the Board of Revenue and Control of Conecuh County, Alabama, and shall take the place of the existing Board of Revenue of said county, which is hereby abolished and shall cease to exist upon the effective date of this act.

SECTION 2.—GENERAL DUTIES, POWERS AND AUTHORITY—The said Board of Revenue and Control shall have all the duties, powers and authority now or hereafter required of or granted to and conferred upon courts of county commissioners, boards of revenue, or other like governing bodies, by the general laws of Alabama, except as the same may be in conflict with this act. The board shall also have all the duties, powers and authority heretofore required of or granted to and conferred by any local act for said county upon the Board of Revenue, Court of County Commissioners, or like governing body, except as the same may be in conflict herewith. The chairman shall have and exercise all the duties, powers and authority required of or granted to and conferred upon probate judges in connection with courts of county commissioners, or other governing bodies, except as the same may be in conflict with this act.

SECTION 3.—COMPENSATION—Members of the board, including the chairman, shall each receive as salary for their services the sum of \$1,800.00 per annum, payable in equal monthly installments of \$150. each by warrant issued by the board and signed by the chairman; such salary to be paid out of the general fund, the road and bridge fund, or out of the moneys received by Conecuh County from the State of Alabama, as its portion of the tax levied by the state on gasoline and other motor fuels and oils, as the board may determine. Provided, however, no greater percentage of said salary may be paid out of the gasoline fund than the percentage of time devoted by the members and chairman of said board to the discharge of their duties in relation to the public roads and bridges of the county bears to the total time spent in the discharge of all their duties, such percentage to be determined by the board by resolution duly adopted and spread upon the minutes.

SECTION 4.—CLERK—The board may elect a clerk and it shall be the duty of said clerk to attend the meetings of said board and issue all notices and perform such other duties as may be prescribed by the board. The clerk shall serve at the pleasure of the board and shall receive such compensation as may be fixed by the board. The board may elect the chairman as clerk.

SECTION 5.—OFFICE PROVIDED—The board shall provide for itself and for the chairman and clerk thereof suitable office furniture and supplies and a suitable office space in the courthouse or elsewhere in the county seat; said office shall be kept open from 9 a.m. until 5 p.m. each weekday except Saturday, on which day it may be closed for the day at 12 o'clock noon. The office may, in the discretion of the board, be closed on Thursday afternoons throughout the year and on such other national, state and local holidays as the board may direct.

SECTION 6.—VACANCIES—Any vacancy on the board, other than as chairman, shall be filled by the remaining members, including the chairman. If the board fails to fill such vacancy within ten days after it has occurred, the board shall forfeit its right to fill such vacancy; such fact shall be certified to the Governor of Alabama by the probate judge, and an appointment to fill such vacancy shall thereupon be made by the governor. Such appointment, whether made by the board or the governor, shall be for the unexpired term and the person so appointed shall be a resident of the district where such vacancy occurred. Any vacancy in the office of chairman shall be filled by the governor for the unexpired term and the person so appointed may be a resident of any district.

SECTION 7.—COUNTY ENGINEER—The board is hereby authorized and empowered to appoint a county engineer, who shall engage in no other employment and the amount of whose salary shall be fixed by the board. Such engineer shall be qualified to practice engineering and land surveying in Alabama and in addition thereto shall have had not less than three years experience in the construction and maintenance of highways. He shall have such duties, powers, and authority as may be prescribed by the board, which may contract with such engineer for his services for stated periods, not to exceed two years; otherwise he shall be removable at any time upon 60 days notice by the board.

SECTION 8.—RIGHTS OF WAY—The board may purchase such rights-of-way and pay for the removal of such buildings and other structures from same as may be necessary in connection with the construction and or widening of state and county roads out of monies received by the county from the State of Alabama as its share of the tax levied by the state on gasoline and other motor fuels and oils, or out of such other funds as the board may direct.

SECTION 9.—LOCAL BILLS—The board is hereby authorized and required to pay all expenses of advertising proposed local bills, or the substance thereof, which may be introduced or have the approval of the representative of Conecuh County in the state legislature, said payment to be made at the regular legal rate for such advertising. The board is hereby authorized and required to

pay for the advertising of any local bills, or the substance thereof, which may have been introduced in the 1939 regular session of the legislature.

SECTION 10.—VOCATIONAL EDUCATION—The board is hereby authorized to make appropriations to the county board of education to be used in providing class rooms, laboratories and shops, for use in teaching vocational subjects and for equipping and maintaining such vocational departments after they have been established.

SECTION 11.—VOTING MACHINES—The board is hereby authorized and empowered to purchase and install voting machines in any precinct in the county in which they may be legally installed by general law and under such conditions as may be prescribed by general law.

SECTION 12.—ADDITIONAL DEPUTY SHERIFF—The board is hereby authorized and empowered to employ an additional deputy sheriff, to prescribe his powers, duties and authority, and to fix and pay his compensation in such amount as it may deem advisable. Such deputy sheriff shall give a large portion of his time toward the enforcement of the state game and fish laws.

SECTION 12.—COMMUNITY HOUSES—The board may appropriate and expend such sums as it may deem advisable to construct, operate and maintain, or to aid in the construction, operate and maintenance, of community houses or similar projects designed to extend the recreational facilities of the county, provided such houses are constructed and operated by the state, county or municipality or other public agency.

SECTION 14.—PARKS AND RECREATION GROUNDS—The board is hereby authorized and empowered to appropriate and expend money to acquire land for parks and recreation grounds; and to establish, operate and maintain, or aid in the establishment, operation, and maintenance, of same; and make contracts deemed necessary with the state and federal governments for the acquisition and use of all other lands for public purposes.

SECTION 15.—NEW INDUSTRIES—The board is hereby authorized and empowered to make investigations and reports as to the possibility of attracting new industries and payrolls to the county and to that end may appropriate and expend funds in making contacts with such private and public agencies as might be helpful in such matters.

SECTION 16.—STREETS—The board is hereby authorized and empowered to appropriate and expend county funds to construct, maintain and repair, or aid in the construction, maintenance and repair, of streets in municipalities which serve as connecting links between public roads. Such expense may be paid out of moneys received by the county from the state of Alabama as the

county's share of the tax levied by the state on gasoline and other motor fuels and oils, or out of such other county funds as the board may determine.

SECTION 17.—CONTINGENT FUND—The board is hereby authorized and empowered to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of \$5,000 per annum for any county purposes not otherwise provided for by law that in its judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "contingent fund;" to create a separate county funds, divide and levy county taxes, as may be deemed necessary.

SECTION 18.—ROAD WORK—The board shall have no power to require any person to work on the public roads of the county nor to pay any money in lieu thereof.

SECTION 19.—DISTRICTS—For the purposes of this act, the county of Conecuh is hereby divided into four subdivisions, to be known as districts, and to be numbered from One to Four, inclusive, as follows: District One shall embrace and be composed of the following territory:—Precincts 1, 2, 3, and 15; District Two shall embrace and be composed of the following territory—Precincts 4, 11, 12 and 13; District Three shall embrace and be composed of the following territory—Precincts 5, 6, and 7; District Four shall embrace and be composed of the following territory—Precincts 8, 9, 10, 14 and 16.

SECTION 20.—FIRST CHAIRMAN—That J. O. Brooks is hereby named, designated and declared to be the chairman of said board and shall hold office until the close of business on December 31, 1940 and until his successor is elected and qualified, such election to be had at the regular November election in 1940 and each four years thereafter.

SECTION 21.—OTHER MEMBERS—That A. E. Johnson is hereby named, designated and declared to be the member of said board from District One and shall hold office until the close of business on December 31, 1942 and until his successor is elected and qualified, such election to be had at the regular November election in 1942, and each four years thereafter; that W. C. Simmons is hereby named, designated and declared to be the member of said board from District Two, and shall hold office until the close of business on December 31, 1942 and until his successor is elected and qualified, such election to be had at the regular November election in 1942 and each four years thereafter; that C. E. Robinson is hereby named, designated and declared to be the member of said board from District Three and shall hold office until the close of business on December 31, 1940 and until his successor is elected and qualified, such election to be had at the regu-

lar November election in 1940 and each four years thereafter; that R. T. Murphy is hereby named, designated and declared to be the member of said board from District Four and shall hold office until the close of business on December 31, 1940 and until his successor is elected and qualified, such election to be had at the regular November election in 1940 and each four years thereafter.

SECTION 22.—TERMS OF SUCCESSORS—The terms of office of the successors to the chairman and other members of the board elected as outlined in Sections 20 and 21 shall be for four years each.

SECTION 23.—QUALIFICATIONS—The chairman of the board must be at least 25 years of age and may be a resident of any district in the county. All other members must be at least 21 years of age and each must be a resident of the district represented by him.

SECTION 24.—NOMINATION AND ELECTION—Successors to the chairman and other members of the board designated in this act shall be nominated and elected by the voters of the entire county. Any candidate for membership on the board other than the chairman must designate in his public announcement and declaration of candidacy which district he desired to represent and no person may represent any district other than that of his legal residence.

SECTION 25.—SAVING CLAUSE—If any section, clause or provision of this act shall be declared invalid, such holding shall not affect any section, clause or provision not in itself invalid.

SECTION 26.—LAWS IN CONFLICT—All laws, and parts of laws, in conflict with the provisions of this act, hereby are repealed.

SECTION 27.—EFFECTIVE DATE—This act shall be in effect on and after October 1, 1939.

And the substitute offered by Mr. Castleberry for the bill, H. 982, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Castleberry	Gewin	McDanal
Allen	Chewning	Golson	McGowin
Austin	Christopher	Graham	Nation
Bagley	Clayton	Graves	Neighbors
Ball	Cobb	Green	Newman
Barchard	Collier	Gwin	Payne
Barnes	Cook	Hare	Petrey
Berk	Cope	Hall	Phillips
Booth	Dearman	Hill	Pitts
Boswell	Delony	Hodo	Sadler
Branyon	Devers	Miller	Sanderson
Carwile	Dobbs	McCord	Scott

Segrest	Toomer	Wallace	White
Stone	Tucker	Welch	Wood
Taylor	Walden	Weston	Wright
Thomas	Waldrop	Whigham	Young
Tidmore			

—65

And said bill:

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

As amended by the substitute offered by Mr. Castleberry, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Green	Miller	Spence
Bagley	Gwin	McCord	Stallings
Ball	Hall	McDanal	Stone
Barchard	Hardwick	Newman	Taylor
Barnes	Hare	Norman (Lowndes)	Thomas
Beck	Haynes	Owens	Tidmore
Booth	Kaul	Pitts	Toomer
Boswell	Langan	Pool	Tucker
Castleberry	Langley	Quarles	Walden
Clayton	Locke	Scott	Waldrop
Dearman	Lovell	Segrest	Wallace
Delony	Martin	Sessions	Waller
Devers	Mathews (Clarke)	Sherrer	Weston
Dobbs	Matthews (Jackson)	Sightler	Whigham
Dominick	Mayhall	Smyer	White
Doster	Megginson	Snyder	Wright
Ellis			

—65

On motion of Mr. Castleberry the bill, H. 982, was ordered sent forthwith to the Senate without engrossment.

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Was taken up. Mr. Castleberry offered the following substitute for the bill, H. 957:

Substitute for H. 957, by Mr. Castleberry:

A BILL

To be entitled An Act to further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Be it enacted by the Legislature of Alabama:

SECTION 1. GENERAL POWERS, DUTIES AND AUTHORITY—The county board of education of Conecuh County, Alabama, shall have all the powers, duties and authority now or hereafter conferred by general law upon county boards of education throughout the state except as may be in conflict with this act, and shall also have such powers, duties and authority as may now be conferred upon it by any local act, except as the same may be in conflict herewith.

SECTION 2. MAY RENT OR BUILD OFFICE—The board is hereby authorized and empowered to expend out of the school funds of the county money for the rental of office space for the county superintendent, provided the office space furnished in the courthouse is deemed by the board to be insufficient or inadequate for any reason. The board is also authorized and empowered to use any available funds at its disposal for the erection or to aid in the erection of a building at least a portion of which is to be used as an office for the superintendent.

SECTION 3. PENSION OR RETIRING ALLOWANCE—The board is hereby authorized and empowered, on application in writing, to retire any teacher who has taught in the public schools of the state for 30 years or more and is at the time on the roll of teachers in any public school of the county. The amount of pension or retiring allowance shall not exceed \$600 per annum and shall be payable in equal monthly installments. Once an application for pension or retiring allowance is granted, such payments as may have been allowed shall not be reduced nor rescinded on less than six months notice to the recipient.

SECTION 4. QUALIFICATIONS—Members of the board of education shall have the same qualifications as now provided by general law.

SECTION 5. COMPENSATION AND MANNER OF PAYMENT—The compensation of members of the board of education shall be such as is now provided by general law, and payment shall be in the same manner as now so provided.

SECTION 6. MANNER AND TIME OF ELECTION—Members of the board shall be elected in such manner and at such times as is now provided by law.

SECTION 7. VACANCIES—All vacancies on the board shall be filled by the remaining members thereof for the unexpired term.

SECTION 8. LAWS IN CONFLICT—All laws and parts of laws in conflict with the provisions of this act hereby are repealed.

SECTION 9. SAVING CLAUSE—If any portion of this law is declared invalid, such holding shall not affect any other portion not in itself invalid.

SECTION 10. EFFECTIVE DATE—This act shall become effective upon its passage and approval.

And the substitute offered by Mr. Castleberry for the bill, H. 957, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Collier	Green	Phillips
Allen	Cook	Gwin	Pitts
Austin	Cope	Hall	Pool
Bagley	Dearman	Hare	Quarles
Ball	Delony	Hill	Robinson (Lowndes)
Barchard	Devers	Kaul	Sherrer
Barnes	Dobbs	Langley	Spence
Beck	Dominick	Mayhall	Stallings
Booth	Doster	McGowin	Stone
Boswell	Ellis	Nation	Taylor
Branyon	Flowers	Neighbors	Thomas
Carwile	Garrett	Newman	Waldrop
Castleberry	Gewin	Owens	Wallace
Chewning	Golson	Payne	Waller
Christopher	Graham	Peacock	Welch
Clayton	Graves	Petrey	Weston
Cobb			

—65

And said bill:

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

As amended by the substitute offered by Mr. Castleberry, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Langan	Smyer
Ball	Delony	Langley	Snyder
Barchard	Devers	Locke	Spence
Barnes	Ellis	Lovelace	Stallings
Beck	Flowers	Miller	Tucker
Booth	Garrett	McCord	Walden
Boswell	Gewin	McDanal	Waldrop
Branyon	Golson	McGowin	Wallace
Brown (Lee)	Graham	Petrey	Waller
Carwile	Graves	Phillips	Welch
Castleberry	Haynes	Pitts	Weston
Chewning	Henson	Scott	Whigham
Christopher	Hill	Segrest	White
Collier	Hodo	Sessions	Wood
Cook	Jenkins	Sherrer	Wright
Cope	Jones	Sightler	Young
Davis (Madison)			

—65

On motion of Mr. Castleberry the bill, H. 957, was ordered sent forthwith to the Senate without engrossment.

H. 983. To alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Locke	Owens
Allen	Flowers	Lovelace	Payne
Austin	Graham	Martin	Peacock
Bagley	Graves	Mathews (Clarke)	Pool
Ball	Green	Matthews (Jackson)	Quarles
Brown (Covington)	Gwin	Mayhall	Robertson (Cullman)
Brown (Lee)	Hall	Megginsin	Robinson (Lowndes)
Carwile	Hardwick	Miller	Robinson (St. Clair)
Castleberry	Hare	McCord	Sadler
Chewning	Haynes	McDanal	Sanderson
Christopher	Henson	McGowin	Scott
Clayton	Hodo	Nation	Segrest
Cobb	Jenkins	Neighbors	Sherrer
Devers	Jones	Newman	Toomer
Dobbs	Kaul	Norman (Bullock)	Wallace
Dominick	Langan	Norman (Lowndes)	Waller
Doster	Langley		

—65

On motion of Mr. Castleberry the bill, H. 983, was ordered sent forthwith to the Senate without engrossment.

H. 1000. To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	McCord	Smyer
Allen	Graves	McDanal	Snyder
Barnes	Green	McGowin	Spence
Beck	Gwin	Nation	Stone
Booth	Hall	Neighbors	Taylor
Boswell	Hardwick	Newman	Thomas
Branyon	Hare	Owens	Toomer
Clayton	Haynes	Payne	Tucker
Cobb	Henson	Pitts	Walden
Collier	Hill	Pool	Waldrop
Cook	Hodo	Quarles	Wallace
Cope	Jenkins	Scott	Waller
Dobbs	Jones	Segrest	Welch
Dominick	Kaul	Sessions	Weston
Doster	Langan	Sherrer	Whigham
Ellis	Miller	Sightler	White
Flowers			

—65

On motion of Mr. Gwin the bill, H. 1000, was ordered sent forthwith to the Senate without engrossment.

H. 978. For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chilton, State of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langley	Quarles
Barnes	Doster	Locke	Scott
Beck	Ellis	Lovelace	Segrest
Booth	Garrett	Martin	Sessions
Carwile	Gewin	Matthews (Jackson)	Stone
Castleberry	Golson	Mayhall	Taylor
Chewning	Graham	McGowin	Thomas
Christopher	Graves	Nation	Tidmore
Clayton	Green	Neighbors	Toomer
Cobb	Gwin	Newman	Tucker
Collier	Hill	Norman (Bullock)	Walden
Cook	Hodo	Norman (Lowndes)	Weston
Cope	Jenkins	Owens	White
Dearman	Jones	Payne	Wood
Delony	Kaul	Pitts	Wright
Devers	Langan	Pool	Young
Dobbs			

—65

On motion of Mr. Pitts the bill, H. 978, was ordered sent forthwith to the Senate without engrossment.

H. 899. To Authorize the City of Birmingham to provide relief for A. Johnston Hawkins.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Miller	Spence
Barchard	Gewin	McCord	Stallings
Barnes	Golson	McDanal	Stone
Beck	Green	McGowin	Taylor
Booth	Gwin	Nation	Thomas
Boswell	Henson	Payne	Tidmore
Branyon	Hill	Pitts	Tucker
Chewning	Hodo	Sadler	Walden
Christopher	Jenkins	Sanderson	Waldrop
Clayton	Kaul	Scott	Waller
Cobb	Langan	Segrest	Welch
Collier	Langley	Sessions	Whigham
Cook	Mathews (Clarke)	Sherrer	White
Cope	Matthews (Jackson)	Sightler	Wood
Dearman	Mayhall	Smyer	Wright
Delony	Meggins	Snyder	Young
Flowers			

—65

On motion of Mr. Sessions the bill, H. 899, was ordered sent forthwith to the Senate without engrossment.

H. 968. To regulate the borrowing of money by cities having a population of one hundred thousand persons, or more, according to the last or any succeeding federal census.

Was read a third time at length and passed.

Yeas, 65 ; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Nation	Sessions
Allen	Doster	Neighbors	Sherrer
Austin	Ellis	Newman	Sightler
Bagley	Graves	Owens	Smyer
Ball	Green	Payne	Snyder
Booth	Gwin	Peacock	Spence
Boswell	Hall	Petrey	Stallings
Branyon	Hardwick	Phillips	Stone
Cobb	Hare	Pitts	Taylor
Collier	Haynes	Pool	Thomas
Cook	Hodo	Quarles	Wallace
Cope	Jenkins	Robertson (Cullman)	Waller
Davis (Madison)	Kaul	Robinson (Lowndes)	Welch
Dearman	Langan	Robinson (St. Clair)	Weston
Delony	Langley	Scott	White
Devers	Martin	Segrest	Wright
Dobbs			

—65

On motion of Mr. Sessions the bill, H. 968, was ordered sent forthwith to the Senate without engrossment.

H. 1018. To better provide for the office of Deputy County Treasurer of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, term of office and duties of the said Deputy County Treasurer of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy County Treasurer of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Was read a third time at length and passed.

Yeas, 65 ; Nays, 0.

Yeas:

Mr. Speaker	Green	McGowin	Stone
Ball	Gwin	Nation	Taylor
Beck	Hall	Neighbors	Thomas
Booth	Hill	Newman	Tidmore
Carwile	Hodo	Owens	Toomer
Clayton	Jenkins	Payne	Tucker
Cobb	Jones	Sanderson	Walden
Collier	Kaul	Scott	Waldrop
Cook	Langan	Segrest	Wallace
Cope	Langley	Sessions	Waller
Delony	Locke	Sherrer	Welch
Devers	Lovelace	Sightler	Weston
Dobbs	Martin	Smyer	Whigham
Gewin	Miller	Snyder	White
Golson	McCord	Spence	Wood
Graham	McDanal	Stallings	Wright
Graves			

—65

On motion of Mr. Welch the bill, H. 1018, was ordered sent forthwith to the Senate without engrossment.

H. 1019. To better provide for the office of Deputy Probate Judge of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Probate Judge of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Probate Judge of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Green	McGowin	Stone
Ball	Gwin	Nation	Taylor
Beck	Hall	Neighbors	Thomas
Booth	Hill	Newman	Tidmore
Clayton	Hodo	Owens	Toomer
Cobb	Jenkins	Payne	Tucker
Collier	Jones	Robinson (Lowndes)	Walden
Cook	Kaul	Sadler	Waldrop
Cope	Langan	Sanderson	Wallace
Dearman	Langley	Sessions	Waller
Delony	Locke	Sherrer	Welch
Devers	Lovell	Sightler	Weston
Dobbs	Martin	Smyer	White
Gewin	Miller	Snyder	Wood
Golson	McCord	Spence	Wright
Graham	McDana	Stallings	Young
Graves			

—65

On motion of Mr. Welch the bill, H. 1019, was ordered sent forthwith to the Senate without engrossment.

H. 1020. To better provide for the office of Deputy Tax Assessor of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Assessor of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Tax Assessor of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gwin	Norman (Bullock)	Sightler
Allen	Henson	Norman (Lowndes)	Smyer
Austin	Hill	Peacock	Snyder
Barchard	Hodo	Petrey	Spence
Boswell	Jenkins	Phillips	Stallings
Branyon	Jones	Pitts	Stone
Brown (Covington)	Kaul	Pool	Taylor
Brown (Lee)	Langan	Quarles	Thomas
Christopher	Langley	Robertson (Cullman)	Toomer
Clayton	Locke	Robinson (Lowndes)	Tucker
Cobb	Lovelace	Robinson (St. Clair)	Walden
Davis (Madison)	Mathews (Clarke)	Sanderson	Waldrop
Davis (Montgomery)	Matthews (Jackson)	Scott	Wallace
Dominick	Mayhall	Segrest	Welch
Gewin	Megginson	Sessions	Whigham
Golson	Miller	Sherrer	White
Graham			

—65

On motion of Mr. Welch the bill, H. 1020, was ordered sent forthwith to the Senate without engrossment.

H. 1021. To better provide for the office of Deputy Tax Collector of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation, and fix the powers, the term of office and duties of the said Deputy Tax Collector of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Deputy Tax Collector of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	Hare	Payne
Bagley	Davis (Madison)	Haynes	Peacock
Ball	Dearman	Henson	Petrey
Barchard	Delony	Hill	Phillips
Barnes	Devers	Hodo	Pitts
Beck	Dobbs	Kaul	Sadler
Booth	Dominick	Langan	Sanderson
Brown (Covington)	Doster	Megginson	Sessions
Brown (Lee)	Ellis	Miller	Smyer
Carwile	Flowers	McCord	Snyder
Castleberry	Garrett	McDanal	Walden
Chewning	Gewin	McGowin	Waldrop
Christopher	Green	Nation	Wallace
Clayton	Gwin	Neighbors	Waller
Cobb	Hall	Newman	Welch
Collier	Hardwick	Owens	Wright
Cook			

—65

On motion of Mr. Welch the bill, H. 1021, was ordered sent forthwith to the Senate without engrossment.

H. 1022. To better provide for the office of Chief Deputy Sheriff of and for the Bessemer Division of Jefferson County, Alabama, by providing for the selection, election, qualifications, compensation and fix the powers, the term of office and duties of the said Chief Deputy Sheriff of said Bessemer Division; to define the jurisdiction thereof, to prescribe the business of the Chief Deputy Sheriff of said Division; to provide for the clerks and employees in said office; the manner of their selection and the manner of fixing their compensation, and to otherwise provide for the operation and maintenance of said office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Jones	Sherrer
Allen	Devers	Kaul	Sightler
Austin	Dobbs	Langan	Smyer
Bagley	Doster	Langley	Snyder
Ball	Ellis	Locke	Stone
Barchard	Flowers	Lovelace	Taylor
Barnes	Garrett	Martin	Toomer
Beck	Graves	Nation	Tucker
Booth	Green	Neighbors	Waller
Boswell	Gwin	Newman	Welch
Castleberry	Hall	Norman (Bullock)	Weston
Chewning	Hardwick	Norman (Lowndes)	Whigham
Collier	Hare	Owens	White
Cook	Haynes	Payne	Wood
Davis (Madison)	Hodo	Scott	Wright
Davis (Montgomery)	Jenkins	Sessions	Young
Dearman			

—65

On motion of Mr. Welch the bill, H. 1022, was ordered sent forthwith to the Senate without engrossment.

H. 985. To amend an act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission." Approved: January 8, 1937.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Mayhall	Scott
Ball	Gewin	Megginsin	Segrest
Barchard	Golson	Miller	Sherrer
Barnes	Graham	McCord	Sightler
Beck	Graves	McDanal	Spence
Booth	Hall	McGowin	Stone
Branyon	Hardwick	Nation	Taylor
Brown (Covington)	Hare	Neighbors	Thomas
Brown (Lee)	Haynes	Newman	Tidmore
Carwile	Henson	Owens	Toomer
Chewning	Jenkins	Peacock	Tucker
Christopher	Langan	Petrey	Walden
Clayton	Langley	Phillips	Waldrop
Cobb	Locke	Pitts	Wallace
Collier	Mathews (Clarke)	Sadler	Waller
Cook	Mathews (Jackson)	Sanderson	Weston
Cope			

—65

On motion of Mr. Brown of Covington, the bill, H. 985, was ordered sent forthwith to the Senate without engrossment.

H. 997. To amend and reenact an Act entitled "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers", approved January 26, 1937.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Collier	Kaul	Sanderson
Allen	Cook	Langan	Sessions
Austin	Cope	Mayhall	Sherrer
Bagley	Dearman	Megginsin	Sightler
Ball	Delony	Miller	Smyer
Barnes	Devers	McGowin	Snyder
Beck	Dobbs	Nation	Spence
Booth	Ellis	Neighbors	Stallings
Boswell	Gewin	Newman	Stone
Branyon	Golson	Pitts	Taylor
Brown (Lee)	Graves	Pool	Thomas
Carwile	Green	Quarles	Waldrop
Castleberry	Gwin	Robertson (Cullman)	Wallace
Chewning	Hall	Robinson (Lowndes)	Waller
Christopher	Haynes	Robinson (St. Clair)	Welch
Clayton	Hodo	Sadler	Weston
Cobb			

—65

On motion of Mr. Smyer the bill, H. 997, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department and other beneficiaries, and as a part of such System, to create a Firemen's Pension and Relief Fund and other pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

COMMITTEE LOCAL LEGISLATION NO. 2 AMENDMENT TO H. 589

Committee amendment to Section 3 of H. 589:

SECTION 3. The said Board of Trustees of the Firemen's Pension and Relief System shall be composed of three members, consisting of the Chief Executive or president of the governing body of such city, who shall be chairman of the Board of Trustees of the Firemen's Pension and Relief Fund and two associate members. One of such associate members shall be a person chosen by a majority of the members of the fire department subject to the provisions of this Act, and the other associate member shall be appointed by the Personnel Board governing the personnel of said fire department, if there be one, otherwise by the governing body of such city, as soon as practicable after the passage of this Act, and such person shall have had at least ten years practical ex-

perience in banking or investment business. Such persons shall hold office until the end of the term for which the Chief Executive or President of the governing body of such City shall have been elected and until their successors have been selected. In the event of a vacancy by reason of death, resignation or other incapacity to discharge the functions of the office, the vacancy shall be filled for the unexpired term by the agency making the original appointments.

The Director of Personnel of any Civil Service System governing personnel of said City, if there be one, otherwise such person as may from time to time be chosen by the Board of Trustees of the Firemen's Pension and Relief Fund, shall be Secretary of the said Board of Trustees. If there be a Personnel Board governing the employees subject to the provisions of this Act, such Board shall at all times make available all records of service and payrolls in its office or under its control.

The Board of Trustees as herein constituted and its secretary shall take office thirty days after the approval of this Act, or as soon thereafter as any two of its members selected as herein provided shall certify their readiness to take over their duties.

Also:

"Amend Section 8, paragraph (b) to read as follows, "(B) That six percent of the monthly salary of each member of such Fire Department shall be deducted, which shall be placed by the Treasurer or Comptroller of such City to the credit of said Firemen's Pension and Relief Fund and the treasurer or Comptroller of such City shall pay into the said Firemen's pension and Relief Fund a sum equal to six percent of each such member's salary of such Fire Department from the General Fund of such City.

"Amend Section 8 (f) so as to read as follows: "(F) The payment of pensions and benefits to other beneficiaries provided for by this Act shall be out of the current income plus monies on hand in said fund and should such funds be insufficient to discharge the obligations then outstanding against the said fund, this fact shall by the Board be certified to the Governing Body of such City, which body may thereupon from the General fund of such City pay into the Firemen's Pension and Relief Fund such additional amounts of money as shall be necessary to discharge the obligation of said Firemen's Pension and Relief Fund imposed by this Act."

And the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 589, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker
Barnes
Beck
Booth
Boswell
Branyon
Chewning
Christopher
Clayton
Cobb
Collier
Cook
Cope
Dearman
Delony
Devers
Dobbs

Golson
Graham
Graves
Green
Gwin
Hall
Hardwick
Hare
Haynes
Henson
Hill
Hodo
Jenkins
Jones
Kaul
Langan

Mayhall
Megginson
Miller
McCord
McGowin
Nation
Neighbors
Newman
Norman (Lowndes)
Owens
Payne
Robinson (Lowndes)
Robinson (St. Clair)
Sadler
Sanderson
Scott

Segrest
Sessions
Sherrer
Sightler
Smyer
Snyder
Spence
Stallings
Stone
Taylor
Thomas
Walden
Waldrop
Wallace
Waller
Welch

—65

And said bill:

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department, and other beneficiaries and as a part of such System, to create a Firemen's Pension and Relief Fund and other Pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

As amended by the amendment reported by the Standing Committee on Local Legislation No. 2, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	McCord	Sessions
Booth	Ellis	McDanal	Sherrer
Boswell	Flowers	McGowin	Sightler
Brown (Covington)	Graham	Nation	Smyer
Brown (Lee)	Gwin	Neighbors	Snyder
Christopher	Haynes	Newman	Spence
Clayton	Henson	Owens	Stallings
Cobb	Hodo	Payne	Stone
Collier	Jenkins	Peacock	Taylor
Cook	Jones	Petrey	Waller
Cope	Kaul	Phillips	Welch
Davis (Madison)	Mathews (Clarke)	Pitts	Whigham
Dearman	Matthews (Jackson)	Pool	White
Delony	Mayhall	Quarles	Wood
Devers	Megginson	Scott	Wright
Dobbs	Miller	Segrest	Young
Dominick			

—65

On motion of Mr. Synder the bill, H. 589, was ordered sent forthwith to the Senate without engrossment.

H. 590. To amend an act entitled an act to amend and re-enact an act entitled "an act to create in all cities in the State of Alabama which now have or may hereafter have a population of as many as two hundred thousand or more people according to the last or any subsequent Federal census, special funds to be known as Policemen's Pension and Relief Funds, same to be created in connection with the regularly organized and paid Police Department of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police Department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term service or disability; to provide for the pensioning of members of such Police Department after twenty-five years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children of such members of such Police Department in the event of death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children for benefits; to provide that

members receiving benefits shall be bona fide residents of the State in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds, and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of this Act being held unconstitutional, it shall not affect the validity of other sections or provisions; to provide when the Act shall take effect; to provide that all laws, or parts of laws, local, special or general, in conflict with this act, are hereby expressly repealed in so far as they affect this Act. Approved February 16th, 1923" and approved September 29th, 1923.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Megginson	Sessions
A	Dobbs	Miller	Sherrer
Beck	Dobbs		Siehl
Booth	Doster	McDanal	
Boswell	Ellis	McGowin	Snyder
Branyon	Flowers	Nation	Stone
Carwile	Green	Neighbors	Taylor
Castleberry	Gwin	Newman	Thomas
Chewning	Hall	Owens	Tucker
Christopher	Hare	Payne	Walden
Clayton	Hodo	Robinson (Lowndes)	Wallace
Cobb	Jenkins	Robinson (St. Clair)	Welch
Collier	Jones	Sadler	Weston
Cook	Kaul	Sanderson	Wood
Cope	Langan	Scott	Wright
Dearman	Langley	Segrest	Young
Delony			

—65

On motion of Mr. Snyder the bill, H. 590, was ordered sent forthwith to the Senate without engrossment.

H. 735. To amend Section 28 of an Act known as House Bill No. 737, printed on pages 691 to 713 inclusive, in the General Acts of the general session of 1935 Legislature of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Castleberry	Dobbs	Hare
Austin	Cobb	Dominick	Haynes
Bagley	Collier	Doster	Henson
Ball	Cook	Graves	Hill
Barchard	Cope	Green	Hodo
Barnes	Dearman	Gwin	Jenkins
Carwile	Delony	Hall	Jones

Kaul	Norman (Lowndes)	Sightler	Walden
Langan	Owens	Smyer	Waldrop
Martin	Payne	Snyder	Wallace
Mayhall	Pitts	Stone	Waller
Miller	Pool	Taylor	Welch
McCord	Scott	Thomas	Weston
McDanal	Segrest	Tidmore	Whigham
McGowin	Sessions	Toomer	White
Nation	Sherrer	Tucker	Wood
Neighbors			

—65

On motion of Mr. Snyder the bill, H. 735, was ordered sent forthwith to the Senate without engrossment.

H. 804. To authorize the governing body of each city of the State of Alabama having a population of one hundred thousand or more, according to the last or any subsequent Federal Census, to pay for certain injuries to certain employees of such city.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Norman (Bullock)	Spence
Bagley	Graham	Norman (Lowndes)	Stallings
Ball	Gwin	Owens	Stone
Barchard	Hall	Payne	Thomas
Beck	Hardwick	Peacock	Tidmore
Boswell	Haynes	Petrey	Toomer
Branyon	Henson	Pool	Tucker
Clayton	Hodo	Quarles	Walden
Cobb	Jenkins	Sadler	Waldrop
Collier	Kaul	Sanderson	Wallace
Cook	Langan	Scott	Welch
Cope	Langley	Segrest	Weston
Davis (Madison)	Mathews (Clarke)	Sessions	Whigham
Dearman	Mathews (Jackson)	Sightler	White
Flowers	Mayhall	Smyer	Wood
Garrett	Meggins	Snyder	Wright
Gewin			

—65

On motion of Mr. Snyder the bill, H. 804, was ordered sent forthwith to the Senate without engrossment.

H. 977. Prescribing and regulating the qualifications of bail in all municipal corporations of this State of 200,000 population or more, according to the last or any subsequent federal census.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hardwick	Pitts
Allen	Delony	Hare	Pool
Austin	Devers	Haynes	Quarles
Bagley	Dobbs	Henson	Sessions
Ball	Dominick	Hill	Sightler
Barnes	Doster	Hodo	Smyer
Beck	Ellis	Jones	Snyder
Booth	Flowers	Kaul	Spence
Brown (Covington)	Garrett	McCord	Stallings
Brown (Lee)	Gewin	McDanal	Stone
Carwile	Golson	McGowin	Taylor
Castleberry	Graham	Nation	Thomas
Chewning	Graves	Neighbors	Tidmore
Christopher	Green	Newman	Waller
Clayton	Gwin	Petrey	Welch
Cobb	Hall	Phillips	Wright
Davis (Madison)			

—65

On motion of Mr. Snyder the bill, H. 977, was ordered sent forthwith to the Senate without engrossment.

H. 999. Relating to a system of retirement from the public service of personnel hereafter employed by any city which may now or hereafter have a population of one hundred thousand inhabitants or more according to the last or any succeeding federal census and of retirement allowances for such retired personnel and of benefits for such employees and of contributions from such city and such employees and the investment and reinvestment thereof for the financing of such allowances and benefits.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langley	Sessions
Ball	Devers	Locke	Sightler
Barchard	Flowers	Lovelace	Smyer
Barnes	Garrett	Martin	Snyder
Beck	Gewin	Mathews (Clarke)	Stone
Booth	Green	Matthews (Jackson)	Taylor
Boswell	Gwin	Megginsin	Tidmore
Brown (Covington)	Hall	Miller	Waldrop
Brown (Lee)	Hardwick	McCord	Wallace
Carwile	Hare	McDanal	Waller
Castleberry	Haynes	Nation	Welch
Chewning	Henson	Owens	Whigham
Clayton	Hodo	Payne	White
Cobb	Jones	Peacock	Wood
Collier	Kaul	Sadler	Wright
Cope	Langan	Sanderson	Young
Dearman			

—65

On motion of Mr. Snyder the bill, H. 999, was ordered sent forthwith to the Senate without engrossment.

H. 1001. To further regulate statutory inferior courts other than those created in lieu of justices of the peace in counties of the state having a population of 300,000 or more according to the last or any subsequent Federal census; to further provide for the service or execution of the processes of such courts, and define the powers and duties of the several sheriffs of the state and their deputies with respect to such processes; to further provide for the registration of judgments of such courts, the liens thereof and the issuance of executions thereon.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Jones	Sessions
Allen	Devers	Kaul	Smyer
Austin	Dobbs	Mathews (Clarke)	Snyder
Bagley	Dominick	Matthews (Jackson)	Spence
Branyon	Doster	Mayhall	Stallings
Brown (Covington)	Ellis	Nation	Tidmore
Brown (Lee)	Flowers	Neighbors	Toomer
Carwile	Garrett	Pool	Tucker
Castleberry	Gewin	Quarles	Waldrop
Chewning	Golson	Robertson (Cullman)	Welch
Christopher	Graham	Robinson (Lowndes)	Weston
Clayton	Graves	Robinson (St. Clair)	Whigham
Cobb	Green	Sadler	White
Collier	Gwin	Sanderson	Wood
Cook	Hodo	Scott	Wright
Davis (Madison)	Jenkins	Segrest	Young
Dearman			

—65

On motion of Mr. Snyder the bill, H. 1001, was ordered sent forthwith to the Senate without engrossment.

H. 924. To provide for the submission of a referendum to the qualified electors of all counties in the State of Alabama that had, according to the last Federal Census, a population of not less than 17,775 and not more than 18,425 inhabitants, at the time of the next general election, to determine the sentiments of the qualified electors of said counties on the question of whether or not the Superintendent of Education in said counties shall be elected by the qualified electors thereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Graves	McDanal	Spence
Allen	Green	McGowin	Stallings
Barnes	Hall	Nation	Stone
Beck	Hare	Neighbors	Taylor
Booth	Hill	Newman	Thomas
Boswell	Jenkins	Norman (Bullock)	Tidmore
Branyon	Langan	Norman (Lowndes)	Toomer
Carwile	Langley	Petrey	Tucker
Clayton	Locke	Phillips	Walden
Cobb	Martin	Robertson (Cullman)	Waldrop
Cook	Mathews (Clarke)	Robinson (St. Clair)	Wallace
Cope	Matthews (Jackson)	Sadler	Waller
Dominick	Mayhall	Sherrer	Welch
Doster	Megginson	Sightler	Wood
Ellis	Miller	Sniyer	Wright
Flowers	McCord	Snyder	Young
Garrett			

—65

On motion of Mr. Waldrop the bill, H. 924, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE HOUSE

Mr. Speaker:

The Senate has originated and adopted the following Resolution:

By The Rules Committee:

S. J. R. 125. Be it resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again Thursday, September 7, at nine o'clock A. M.

And sends same to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin, the rules were suspended, and the S. J. R. 125, set out in the above and foregoing Message from the Senate, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 408. To repeal An Act entitled, "An Act to amend An Act entitled An Act "To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act, approved July 27, 1931, by amending Sections 5 and 22 of said Act.

Also:

S. 421. To authorize and require the Board of Education of Montgomery County, Alabama, to provide a pension or retiring allowance for teachers who have served in the public schools of Montgomery County, Alabama.

Also:

S. 422. To repeal an Act entitled "An Act to authorize and require the Board of Education in any county in the State of not less than 75,000 nor more than 100,000 population according to the last or any succeeding Federal census to provide a pension or retiring allowance for teachers who have served in the public schools of such county." Approved April 15, 1936.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote

of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 1004. To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	Locke	Robertson (Cullman)
Allen	Davis (Madison)	Lovelace	Robinson (Lowndes)
Bagley	Dearman	Martin	Robinson (St. Clair)
Ball	Delony	Mathews (Clarke)	Sanderson
Barnes	Devers	Matthews (Jackson)	Sherrer
Boswell	Flowers	Mayhall	Sightler
Branyon	Garrett	Megginson	Spence
Brown (Covington)	Gewin	Miller	Stallings
Brown (Lee)	Graves	McCord	Stone
Carwile	Green	McDanal	Taylor
Castleberry	Hare	McGowin	Thomas
Chewning	Haynes	Nation	Tidmore
Christopher	Henson	Neighbors	Toomer
Clayton	Hill	Newman	Tucker
Cobb	Langan	Norman (Bullock)	Walden
Collier	Langley	Norman (Lowndes)	Whigham
Cook			

—65

On motion of Mr. Langan the bill, H. 1004, was ordered sent forthwith to the Senate without engrossment.

H. 948. To create and establish a Board of Revenue and Control of Morgan County, Alabama, in the place of the present Board of Revenue now existing in said county, to consist of five members, one of whom shall be Chairman of said Board, and one member to be from each of the four districts of the county; to abolish the Board of Revenue of Morgan County; to divide said county into four districts and to define the boundaries of each district; to name the Chairman of the Board and to provide for the appointment of the members of the Board from said four districts, and to fix the

term of office, compensation, and duties of each, and to provide for the qualifications and election of the successors to the members of the Board from each of the four districts and the qualifications and the manner of electing the successor to the Chairman; to provide the time and place of holding regular meetings of said Board; to confer upon said Board all the authority, jurisdiction, and power granted to Courts of County Commissioners by the general laws of Alabama and certain duties, jurisdiction, power, and authority in addition thereto; to constitute each member of the Board from the four districts supervisor of all public roads within his district; to provide that the Board fix a wage and salary scale for all employees engaged on work on the public roads in the county and to require that the same be uniform throughout the county; to provide that all supplies, material, and equipment for the county and the offices and officers of the county and courthouse and jail and other buildings be purchased by the Chairman of the Board on order of the Board made at regular meetings of the Board on Monday after posting a purchase notice on a bulletin board situated by the door of his office in the courthouse requesting bids therefor and requiring the Chairman to accept the lowest responsible bid and prescribing the procedure to be observed in making purchases and the records thereof to be made; to provide that Morgan County shall not be liable in any form of action for the price, value, or use of any property not purchased as provided in this act; to provide that no leasesale contract or contract for the rental or hire of any such property shall be made by the Board except upon order of the Board voted for by all attending members, including the Chairman, at a regular meeting of the Board and providing for the members of the Board to rent trucks for road work at rentals not in excess of that previously fixed by order of the Board; to authorize the Board to make contracts for the purchase of gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, and providing the manner of the making of such contracts; to authorize each member of the Board in emergencies and in cases where work on the roads within his district would otherwise be unduly delayed to purchase for the county needed equipment and materials at a cost not to exceed \$10.00, and to provide the method of making such purchases; to authorize each member of the Board to have repairs made to the machinery and equipment used on the public roads within his district and to require reports thereof to be made to the Chairman; to provide for the upkeep and repair of the courthouse and jail and the equipment and fixtures therein; to provide for the keeping of records by the Chairman and to provide for clerical and stenographic assistance to the Chairman and to limit the cost thereof; to provide for the purchase by the Chairman of certain materials and equipment and services and to provide the

hours during which his office shall be open; to provide for the official bonds to be given by the members and Chairman of the Board to be approved by the Probate Judge; to provide a method of filling vacancies in the offices of members of the Board and the Chairman of the Board; to repeal all laws in conflict with this act and to expressly repeal an act of the Legislature of Alabama, approved September 29, 1919, (Local Acts, 1919, page 258 et seq.) whereby a Board of Revenue was established in and for Morgan County; to provide for the effect of the invalidity of parts of this act, and the contingency upon which and time when this act shall be effective.

Was read a third time at length and passed.

Yeas, 68; Nays, 5.

Yeas:

Mr. Speaker	Ellis
Bagley	Flowers
Barchard	Garrett
Barnes	Gewin
Booth	Golson
Branyon	Graves
Brown (Covington)	Green
Carwile	Gwin
Castleberry	Hare
Christopher	Hill
Clayton	Hodo
Cook	Jones
Cope	Kaul
Davis (Madison)	Langan
Dearman	Langley
Dominick	Locke
Doster	Lovelace

Martin	Scott
Megginson	Segrest
Miller	Sessions
McDanal	Sightler
McGowin	Smyer
Neighbors	Snyder
Newman	Spence
Norman (Bullock)	Stallings
Norman (Lowndes)	Stone
Payne	Taylor
Petrey	Thomas
Pitts	Toomer
Robertson (Cullman)	Tucker
Robinson (Lowndes)	Wallace
Robinson (St. Clair)	Waller
Sadler	Welch
Sanderson	Wood

—68

Nays: Messrs. Collier, McCord, Peacock, Tidmore, Young

5

On motion of Mr. Thomas the bill, H. 948, was ordered sent forthwith to the Senate without engrossment.

H. 1005. For the relief of Mollie Richardson and to authorize the County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ball
Allen	Barchard
Austin	Barnes
Bagley	Beck

Booth	Chewning
Boswell	Christopher
Carwile	Clayton
Castleberry	Cobb

Collier	Haynes	McGowin	Stone
Cook	Henson	Nation	Taylor
Cope	Hill	Neighbors	Toomer
Dearman	Hodo	Newman	Tucker
Delony	Jenkins	Owens	Wallace
Dominick	Jones	Payne	Welch
Doster	Kaul	Quarles	Weston
Ellis	Loveland	Robinson (Lowndes)	Whigham
Golson	Martin	Sanderson	White
Green	Miller	Sherrer	Wood
Gwin	McCord	Sightler	Wright
Hall	McDanal	Spence	Young
Hare			

—65

On motion of Mr. Booth the bill, H. 1005, was ordered sent forthwith to the Senate without engrossment.

H. 1006. To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the legislature of Alabama for or which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Langley	Sanderson
Barnes	Garrett	Locke	Sessions
Beck	Gewin	Loveland	Sherrer
Booth	Green	Martin	Sightler
Boswell	Gwin	Mayhall	Smyer
Branyon	Hall	Meggins	Stone
Carwile	Hardwick	Miller	Taylor
Castleberry	Hare	McCord	Thomas
Chewning	Haynes	McDanal	Tidmore
Christopher	Henson	McGowin	Toomer
Clayton	Hill	Owens	Welch
Cobb	Hodo	Payne	Weston
Collier	Jenkins	Pool	Whigham
Cook	Jones	Robertson (Cullman)	White
Cope	Kaul	Robinson (Lowndes)	Wood
Dearman	Langan	Sadler	Wright
Delony			

—65

On motion of Mr. Mayhall the bill, H. 1006, was ordered sent forthwith to the Senate without engrossment.

H. 1007. To authorize, permit, empower and direct the Court of County Commissioners, or Highway Board, or any like Governing Body of Winston County, Alabama, to appropriate two (2%) per centum of all funds derived from the excise tax on gasoline or other liquid motor fuels, heretofore levied or that may hereafter be collected by the State of Alabama, and paid to the several counties of this State, such appropriation to be paid monthly into the general funds of the City of Haleyville, Alabama, and to be used by said city for the construction, maintenance or repair of roads and bridges in the corporate limits of said city; and to abolish the collection of street tax in the city of Haleyville, Alabama; to repeal all laws or parts of laws in conflict with the provisions of this Act, and to provide when said Act shall go into effect.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Meggins	Spence
Ball	Graham	Miller	Stallings
Barchard	Graves	McCord	Stone
Barnes	Green	McGowin	Thomas
Beck	Hardwick	Nation	Toomer
Brown (Covington)	Hare	Neighbors	Tucker
Castleberry	Haynes	Newman	Waldrop
Chewning	Henson	Peacock	Wallace
Christopher	Jenkins	Petrey	Waller
Clayton	Langan	Phillips	Welch
Cobb	Langley	Pitts	Weston
Collier	Locke	Pool	Whigham
Cook	Lovelace	Sadler	White
Cope	Mathews (Clarke)	Sanderson	Wood
Dobbs	Matthews (Jackson)	Smyer	Wright
Dominick	Mayhall	Snyder	Young
Doster			

—65

On motion of Mr. Mayhall the bill, H. 1007, was ordered sent forthwith to the Senate without engrossment.

S. 357. To authorize and empower the Board of Revenue of Barbour County to consider, audit and direct payment of a claim, held by J. B. Laseter, late Sheriff of said County, against the Fine and Forfeiture Fund of said County, to Lucinda Laseter, the widow of said J. B. Laseter.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Collier	Lovelace	Sanderson
Allen	Cook	Martin	Segrest
Austin	Flowers	Mayhall	Sessions
Bagley	Garrett	Meggins	Sightler
Ball	Gewin	Miller	Smyer
Barchard	Golson	McCord	Stallings
Barnes	Graham	Norman (Bullock)	Thomas
Beck	Graves	Norman (Lowndes)	Tidmore
Booth	Green	Owens	Toomer
Boswell	Haynes	Payne	Walden
Branyon	Henson	Petrey	Waldrop
Brown (Covington)	Hill	Phillips	Wallace
Carwile	Hodo	Robertson (Cullman)	Weston
Castleberry	Langan	Robinson (Lowndes)	Whigham
Christopher	Langley	Robinson (St. Clair)	White
Clayton	Locke	Sadler	Young
Cobb			

—65

BILLS INDEFINITELY POSTPONED

On motion of Mr. Robertson of Cullman, the bill, H. 708, was indefinitely postponed.

On motion of Mr. Gwin, the bill, H. 888, was indefinitely postponed.

On motion of Mr. Wallace, the bill, H. 965, was indefinitely postponed.

On motion of Mr. Sadler, the bill, S. 398, was indefinitely postponed.

BILLS ON THIRD READING

H. 494. To appropriate the first \$400,000.00 of any surplus over and above \$750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund.

Mr. Norman of Bullock offered the following amendments to the bill, H. 494:

Amendments to House bill No. 494, by Mr. Norman of Bullock:

AMENDMENT 1.

Amend the title to House Bill No. 494 by striking therefrom the following: "during the fiscal year next succeeding the fiscal year in which said surplus exists."

AMENDMENT 2.

Amend Section 1 of House Bill No. 494 by inserting after the word "transferred" the word "permanently".

AMENDMENT 3.

Amend Section 1 of House Bill No. 494 by adding at the end of said Section the following "to be expended in accordance with the statutes and regulations then existing relating to the expenditure of such Teachers' Retirement Fund."

AMENDMENT 4.

Amend Section 3 of House Bill No. 494 by striking and eliminating said Section 3 from said House Bill.

And the amendment offered by Mr. Norman of Bullock, to the bill, H. 494, was adopted.

Yeas, 67; Nay, 1.

Yeas:

Mr. Speaker	Dominick	Martin	Robinson (St. Clair)
Austin	Doster	Mathews (Clarke)	Sadler
Bagley	Gewin	Mathews (Jackson)	Scott
Beck	Golson	Miller	Segrest
Branyon	Graves	McDanal	Sherrer
Brown (Covington)	Gwin	McGowin	Sightler
Carwile	Hall	Nation	Smyer
Castleberry	Hardwick	Neighbors	Spence
Christopher	Hare	Newman	Stallings
Clayton	Henson	Norman (Bullock)	Stone
Collier	Hill	Norman (Lowndes)	Tidmore
Cook	Hodo	Owens	Tucker
Cope	Kaul	Payne	Walden
Davis (Madison)	Langan	Petrey	Welch
Delony	Langley	Quarles	Wnigham
Devers	Locke	Robertson (Cullman)	Young
Dobbs	Lovelace	Robinson (Lowndes)	

—67

Nay: Mr. Peacock

— 1

And said bill:

H. 494. To appropriate the first \$400,000.00 of any surplus over and above \$750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund.

As amended by the amendments offered by Mr. Norman of Bullock, was read a third time at length and passed.

Yeas, 72; Nay, 1.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Robinson (Lowndes)
Allen	Doster	Matthews (Jackson)	Robinson (St. Clair)
Austin	Ellis	Meggins	Scott
Bagley	Flowers	Miller	Segrest
Beck	Garrett	McCord	Sessions
Booth	Gewin	McDanal	Sherrer
Branyon	Golson	McGowin	Sightler
Brown (Covington)	Graves	Nation	Smyer
Carwile	Green	Neighbors	Snyder
Castleberry	Gwin	Newman	Spence
Christopher	Hardwick	Norman (Bullock)	Stone
Collier	Hare	Norman (Lowndes)	Thomas
Cook	Hill	Owens	Tidmore
Cope	Hodo	Payne	Tucker
Davis (Madison)	Langan	Petrey	Walden
Delony	Langley	Pitts	Welch
Devers	Locke	Quarles	Whigham
Dobbs	Martin	Robertson (Cullman)	Young

—72

Nay: Mr. Peacock

— 1

H. 495. To provide for the transfer of any surplus over and above \$1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund.

Was read a third time at length and passed.

Yeas, 74; Nay, 1.

Yeas:

Mr. Speaker	Dominick	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Austin	Ellis	Matthews (Jackson)	Segrest
Bagley	Flowers	Miller	Sessions
Barnes	Garrett	McCord	Sightler
Beck	Gewin	McDana	Snyder
Booth	Golson	McGowin	Spence
Branyon	Graves	Nation	Stallings
Brown (Covington)	Green	Newman	Thomas
Carwile	Gwin	Norman (Bullock)	Tidmore
Castleberry	Hail	Norman (Lowndes)	Tucker
Christopher	Hardwick	Owens	Walden
Cook	Hare	Payne	Waller
Cope	Henson	Petrey	Welch
Davis (Madison)	Hill	Pitts	Weston
Dearman	Hodo	Robertson (Cullman)	Whigham
Delony	Langan	Robinson (Lowndes)	Wood
Devers	Langley	Robinson (St. Clair)	Young
Dobbs	Locke		

—74

Nay: Mr. Peacock

— 1

On motion of Mr. Norman of Bullock the bill, H. 495, was ordered sent forthwith to the Senate without engrossment.

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act; to provide for punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was taken up. Mr. Dominick offered the following substitute for the bill, H. 792:

Substitute House bill 792, by Mr. Dominick:

A BILL

To be entitled An Act defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and orders thereunder; to provide funds for the administration of this Act and to provide punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

That in addition to any authority, powers and jurisdiction under the laws of this State now or hereafter conferred upon or exercised by the Alabama Public Service Commission there is hereby conferred upon and vested in said Commission all the authority, power and jurisdiction hereinafter particularly set forth:

SECTION ONE. The following words and phrases used in this act, where not in conflict with the context shall be construed as follows:

A. The term "commission" shall be construed to mean the Alabama Public Service Commission.

B. The term "commissioner" shall mean one of the members of such commission.

C. The term "motor vehicle" means any vehicle, machine, tractor, trailer or semi-trailer, propelled or drawn by mechanical power

and used upon the highways in the transportation of passengers or property but does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

D. The term "highway" means every public highway, or place of whatever nature, open to the use of the public for purposes of vehicle travel in this State, including the public highways, roads, streets and alleys in towns and cities.

E. The term "person" means any individual, firm, co-partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

F. The term "common carrier by motor vehicle" means any person who or which undertakes, whether directly or by a lease or other arrangement, to transport passengers or property, or any class or classes of property for the general public in the State of Alabama by motor vehicle for compensation, whether over regular or irregular routes, or whether between fixed termini or not, including such other motor vehicle operations of carriers by rail or water and/or express and forwarding companies under this Act.

G. The term "contract carrier by motor vehicle" means any person not included under paragraph F of this Section, who or which under a Special or individual contract or agreement, under special or individual contracts, or special or individual agreements, and whether directly or by lease or any other arrangement, transports passengers or property by motor vehicle for compensation in this State.

H. The term "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle.

I. The term "broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who or which, as principal or agent, sells or offers for sale any transportation of property other than that transported by common carriers of passengers subject to this Act, or negotiates for or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

J. The "service" and "transportation" (except as to Section 13 hereof), to which this act applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied.

K. The term "certificate" means a certificate of public convenience and necessity issued under this Act to common carriers by motor vehicle.

L. The term "permit" means a permit issued under this Act to contract carriers by motor vehicle.

M. The term "license" means a license issued under this Act to a broker.

SECTION TWO. This Act shall not be construed to apply to:

A.(1) Motor vehicles while being used exclusively for the transportation of school children and school teachers to and from school.

(2) Motor vehicles for hire while operating within the limits of a city or incorporated town or within the police jurisdiction thereof or between two or more incorporated towns or cities whose city limits join or within the police jurisdiction thereof.

(3) Motor vehicles, while used in the intrastate transportation of property, when such transportation is incidental to the sale of the property being transported, or the person furnishing the transportation is legally and regularly engaged in the business of selling such property; except that this subsection shall not be construed to exempt from the provisions of this Act any motor carrier who operates under a certificate or permit granted under the authority of the Alabama Public Service Commission.

B. Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations.

C. Motor vehicles owned and operated by the United States, this state, or any county, municipality or other political subdivision of this State.

D. Motor vehicles controlled and operated by any farmer while used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm.

E. Motor vehicles controlled and operated by a bona fide co-operative association as defined by the General Agricultural Marketing Act, approved June 15, 1929, as amended, or organized and existing under any state cooperative marketing act while used exclusively in the conduct of the business of such Association.

F. Any motor vehicle, not operated on tracks, but operated for the transportation or convenience of, or for the public of passengers for hire, in connection with or in lieu of any street or inter urban railway, or as a part of any system of street or inter urban railway, including all motor or other vehicles operated in the manner described in subsection 2, of Section 9742 of the Code of Alabama of 1923, and referred to as "jitneys" by express provisions of said Section 9742. Provided, however, that nothing herein contained shall affect or be construed to affect the jurisdiction of the Alabama Public Service Commission over such "jitneys" under other provisions of law.

G. Motor vehicles used exclusively in carrying live stock, fish, (including shell fish) or agricultural commodities (not including

manufactured products thereof), if such motor vehicles are not used in carrying any other property or passengers for compensation.

H. Motor Vehicles while used exclusively in the transportation of newspapers.

SECTION THREE. No motor carrier as defined herein, not herein exempt, shall operate any motor vehicle for the transportation of passengers or property for compensation on any highway in the State except in accordance with the provisions of this act, and every such carrier is hereby declared subject to control, supervision and regulation by the Commission. Nothing in this act shall confer any proprietary or property rights in the use of public highways.

SECTION FOUR. This Act, and every part thereof shall apply to and be construed to apply to interstate commerce, except insofar as the same may be in conflict with the provisions of the Constitution of the United States and the Acts of Congress now in force or hereafter enacted.

SECTION FIVE. General duties and powers of the Commission.

It shall be the duty of the Commission :

1. To regulate common carriers by motor vehicle as provided in this Act and to that end the Commission may establish reasonable rules and requirements with respect to adequate service, transportation of passengers, baggage, freight and express, uniform systems of accounts, records and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

2. To regulate contract carriers by motor vehicle as provided in this act, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

3. To regulate brokers as provided in this Act and to that end the Commission may establish reasonable requirements with respect to licensing, financial responsibility, accounts, records, reports, operations and practices of any such person or persons.

4. To supervise and regulate common carriers in all matters affecting the relationship between such common carriers and the traveling and shipping public.

5. To administer, execute, and enforce all provisions of this Act and to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration; and

6. To inquire into the organization of motor carriers and brokers and into the management of their business, to keep itself in-

formed as to the manner and method in which the same is conducted and to transmit to the Legislature, from time to time such recommendations as to additional legislation relating to such carriers or brokers as the Commission may deem necessary.

7. The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers, included in the term "common carrier by motor vehicle", or "contract carrier by motor vehicle", as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this Act, to be observed by the carriers or brokers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

8. Upon complaint in writing to the Commission, by any person, State board, organization, or body politic, or upon its own initiative without complaint, the Commission may investigate whether any motor carrier or broker has failed to comply with any provision of this Act, or with any requirement established pursuant thereto. If the Commission, after notice and hearing, finds upon any such investigation that the motor carrier or broker has failed to comply with any such provision or requirement, the Commission shall issue an appropriate order to compel the carrier or broker to comply therewith.

9. After a decision, order, or requirement has been made by the Commission in any proceeding under this Act, any party thereto may make application to the Commission for reconsideration or rehearing of the same, or of any matter determined herein, and it shall be lawful for the Commission in its discretion to grant such reconsideration or a rehearing, if sufficient reason therefor be made to appear. Such application shall be filed within thirty days after date of such decision, order or requirement provided the Commission may by order extend such time for not more than thirty days additional. Applications for reconsideration or rehearing shall be governed by such general rules as the Commission may prescribe. No such application shall excuse any motor carrier or broker from complying with or obeying any decision, order or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. If, after such reconsideration or rehearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unreasonable, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such reconsideration or rehearing shall be subject to the same provisions as an original decision, order or requirement, provided, however, it shall not be subject to any further application for reconsideration or rehearing by the Commission.

SECTION SIX. No member of the Commission, nor any employee of the Commission appointed or employed in the administration of this Act shall in any manner have pecuniary interest in, own any securities of, or hold any position with any motor carrier or broker subject to this Act.

SECTION SEVEN. ADMINISTRATION. Except as otherwise provided, any matter arising in the administration of this Act, requiring a hearing shall be heard and decided by the Commission or shall by written order of the Commission, be referred to a member or examiner of the Commission for hearing and the recommendation of an appropriate order thereon. With respect to such matter, the member or examiner shall have all the rights, duties, powers and jurisdiction conferred by this Act upon the Commission, except that the order recommended by such member or examiner shall be subject to the following provisions of this paragraph. Any order recommended by the member or examiner with respect to such matter shall be in writing and be accompanied by the reasons therefor, and shall be filed with the Commission. Copies of such recommended order shall be served upon the parties in interest, who have appeared in the proceeding, who may file exceptions thereto, but if no exceptions are filed within twenty days after service upon such parties, or within such further period as the Commission may authorize, such recommended order shall become the order of the Commission and become effective, unless within such period the order is stayed or postponed by the Commission. Where exceptions are filed as herein provided, it shall be the duty of the Commission to consider the same, and if sufficient reason appears therefor, the Commission shall grant such review or make such order or hold or authorize such further hearing or proceedings in the premises as may be necessary or proper to carry out the purpose of this Act, or the Commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been filed. The Commission, after review upon the same record or as supplemented by a further hearing shall decide the matter and make appropriate order thereon.

Where practicable and as the Commission may by rule or notice direct, hearings by the Commission, any member, or examiner upon any matter shall be held at such places within the State of Alabama as are convenient to the parties.

SECTION EIGHT. A. Except as otherwise provided in this section no common carrier by motor vehicle subject to the provisions of this Act shall engage in intrastate commerce on any highway in this State unless there is in force with respect to such carrier a certificate of public convenience and necessity issued by the Commission pursuant to the provisions of this Act, authorizing such operation; provided, however that subject to Section 12, if any

such carrier of property, except common carriers of passengers by motor vehicle, or predecessor in interest was in bona fide operation as such common carrier of property by motor vehicle on July 1, 1939, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bona fide operation on July 1, 1939, during the season ordinarily covered by its operation, except in either instance as to interruptions in service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in Paragraph B of this Section, and within 120 days after this section shall take effect. Otherwise, the application for such certificate shall be decided in accordance with the procedure provided for in Section 9 of this Act, and such certificate shall be issued or denied accordingly. Pending the determination of any such application the continuance of such operation shall be lawful; provided however that no common carrier of passengers now holding certificate of public convenience and necessity issued to it by the Commission shall be required to apply for a certificate under this Act, but the certificate now held and effective, shall be effective as if issued under this Act, but this shall not be construed or held to relieve the holder of such certificate from complying with all other provisions of this Act and any and all laws now or hereafter in effect.

B. Application for certificate shall be made in writing to the Commission, be verified under oath and shall be in such form and contain such information and be accompanied by proof of service of notice thereof upon wuch interested parties as the Commission shall, by regulation require; provided, however, that the Commission shall give notice of the filing of any such application upon the State Highway Department and, in the case of an application for a certificate to transport passengers, upon each common carrier of passengers then operating, or proposing to operate by application pending before the Commission, in the territory proposed to be served; and, in the case of an application for a certificate to transport freight, upon each common carrier of freight then operating, or proposing to operate by application pending before the Commission in the territory proposed to be served.

Any person not included in the provisions of Paragraph A of this section, who or which is engaged in transportation in intrastate commerce as a common carrier by motor vehicle when this section takes effect may continue such operation for a period of 120 days thereafter without a certificate, and if application for such certificate is made to the Commission within such period, the carrier

may, under such regulations as the Commission shall prescribe, continue such operation until otherwise ordered by the Commission.

SECTION NINE. A. Subject to the provisions of Section Twelve, and to the provisions of paragraph B of this section, a certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found, after public hearing of the application, that the applicant is fit, willing, and able to properly perform the service proposed and to conform to the provisions of this Act and requirements, rules and regulations of the Commission thereunder, and that the proposed service, to the extent to be authorized by the certificate is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied; provided, however, that no such certificate shall be issued to any common carrier of passengers by motor vehicle for operations over other than a regular route or routes, and between fixed termini, except as such carriers may be authorized to engage in special or charter operations.

B. Before granting a certificate to a common carrier by motor vehicle the Commission shall, among other things, consider the following:

(1) Whether existing transportation service of all kinds is adequate to meet the reasonable public needs.

(2) Financial ability of the applicant to furnish adequate, continuous and uninterrupted service the year around.

(3) The advantages to the public of the proposed service.

C. No certificate issued under this section shall confer any proprietary or property rights in the use of the public highways.

SECTION TEN. A. Any certificate issued under Section Eight and Nine shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which the motor carrier is authorized to operate; and there shall at the time of issuance and from time to time thereafter, be attached to the exercise of the privilege granted by the certificate such reasonable terms, conditions and limitations as the public convenience and necessity may from time to time require, including terms, conditions and limitations as to the extension of the route or routes of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the Commission under this Act, provided however that the carrier may add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development

of the business and the demands of the public shall require, subject to such reasonable regulations as the Commission may prescribe.

B. A common carrier by motor vehicle operating under any such certificate may occasionally deviate from the route over which and/or the fixed termini between which, it is authorized to operate under the certificate, under such general rules and regulations as the Commission may prescribe.

C. Any common carrier by motor vehicle transporting passengers under a certificate issued or effective under this act may transport to any place, a special or chartered party or parties, under such rules and regulations as the Commission prescribes; and every common carrier by motor vehicle transporting passengers not holding a certificate of public convenience and necessity, issued under this Act, but holding a certificate of public convenience and necessity from the Interstate Commerce Commission issued pursuant to Motor Carrier Act, 1935, 49 U.S.C.A., Sec. 302 e.s., as now or hereafter amended, may transport on the highways of this State special or chartered parties under such rules and regulations as the Commission shall prescribe, provided, however, that no such carrier shall be permitted to make more than two trips during a period of one month, and provided further that before any such trip is permitted the carrier shall present to the Commission proper evidence of public liability and property damage insurance covering the vehicle or vehicles to be used in making such trip and shall pay to the State of Alabama the mileage tax prescribed by law and shall furnish the Commission with such other information as the Commission by general or special rule or regulation may reasonably require.

D. A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express or mail, or to transport baggage of passengers in a separate vehicle.

E. No common carrier by motor vehicle authorized under the provisions of this Act to operate within the State of Alabama shall abandon or discontinue, either temporarily (except in cases of emergency) or permanently, in any service established under the provisions of this Act without an order of the Commission that the public convenience and necessity permit such abandonment or discontinuance, which said order shall be granted by the Commission only after hearing, should the Commission deem a hearing necessary.

SECTION ELEVEN. Permits for contract carriers by Motor Vehicle.

A. Except as otherwise provided in this section, no person shall engage in the business of a contract carrier by motor vehicle in intrastate commerce on any highway of this State unless there

is in force with respect to such carrier a permit issued by the Commission, authorizing such person to engage in such business; provided, that subject to Section 12, if any such carrier of property, except contract carriers of passengers by motor vehicle, or a predecessor in interest was in bona fide operation as such a contract carrier of property by motor vehicle on July 1, 1939, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service, only was in bona fide operation on July 1, 1939, during the season ordinarily covered by its operations, except in either instance as to interruptions of service over which the applicant or its predecessor in interest has no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in Paragraph B of this Section and within 120 days after this section shall take effect, otherwise the application for such permit shall be decided in accordance with the procedure provided for in Paragraph B of this Section, and such permit shall be issued or denied accordingly. Pending determination of any such application under this paragraph A, the continuance of such operation shall be lawful.

Any person not included within the foregoing provisions of this Section, who or which is engaged in intrastate transportation as a contract carrier by motor vehicle, when this section takes effect, may continue such operation for a period of 120 days thereafter without a permit, and, if application for such permit is made within such period, the carrier may, under such regulations as the Commission shall prescribe, continue such operations until otherwise ordered by the Commission.

B. Application for such permits shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information as the Commission may, by regulation, require such application for permit shall be accompanied by such proof of service of notice of said application and the filing thereof with the Commission as the Commission shall by regulation require. Notice of such application by every contract carrier of passengers shall be served upon every contract carrier of passengers, and such notice of application by contract carriers of property shall be served on every such carrier of property, then operating in the territory proposed to be served by the applicant and upon every other applicant then having an application pending, before the Commission for a permit to operate in the territory proposed to be served by the applicant and upon the State Highway Commission. Subject to Section twelve, a permit shall be issued to any qualified applicant therefor, authorizing in whole or in part the operations covered by the application, if, after public hearing of the application, it appears from the application and the evidence in

support thereof or from any hearing held thereon that the applicant is fit, willing and able to properly perform the service of a contract carrier by motor vehicle and to conform to the provisions of this Act and the lawful requirements, rules and regulations of the Commission thereunder, and that the proposed operation, to the extent authorized by the permit will be consistent with the public interest, otherwise such application shall be denied. The Commission shall specify on the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier, as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the Commission under this Act; provided, however, that subject to such reasonable regulations as the Commission may prescribe, the carrier may substitute or add contracts within the scope of his permit, or add to his or its equipment and facilities, within the scope of the permit, as the development of the business and the demands of the public may require.

C. Contract carriers of property shall not transport on any one motor vehicle over any highway of this State, outside of the corporate limits of any city or town, property of more than two consignors at the same time, and for purposes of this section the word "consignors" means the bona fide owner of the property transported at the time of shipment, who has made the contract of shipment with the carrier.

SECTION TWELVE. Dual Operation. No person after the effective date of this Act shall at the same time hold under this Act a certificate as a common carrier and a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory, unless for good cause shown the Commission shall find that such certificate and permit may be held consistently with the public interest.

SECTION THIRTEEN. Brokerage Licenses. A. No person shall for compensation sell or offer for sale transportation subject to this act or shall make any contract, agreement or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself or itself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's license issued by the Commission to engage in such transactions; provided, however, that no such person shall engage in transportation subject to this Act unless he holds a certificate or permit as provided in this Act. In the execution of any contract agreement or arrangement to sell, provide, procure, furnish, or arrange for

such transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who or which is not the lawful holder of an effective certificate or permit issued as provided in this Act; and provided further that the provisions of this paragraph shall not apply to any carrier holding a certificate or a permit under the provisions of this Act or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits, or with a common carrier by railroad, express or water.

B. A Brokerage license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found, after public hearing of the application, that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this act and the requirements, rules and regulations of the Commission thereunder, and the proposed service, to the extent authorized by the license, is, or will be consistent with the public interest and the provisions of this Act; otherwise such application shall be denied. Any broker in operation when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a license, and if application for such license is made within such period, the broker may, under such regulations as the Commission shall prescribe, continue such operations until otherwise ordered by the Commission.

C. The Commission shall prescribe reasonable rules and regulations for the protection of travellers or shippers and receivers of property by motor vehicle, operated by motor carriers subject to this Act, to be observed by any person holding a brokerage license, and no such license shall be issued or remain in force unless such person shall have furnished a bond or other security approved by the Commission, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements or arrangements therefor.

D. The Commission and its special agents and examiners shall have the same authority as to accounts, reports, and records, including inspection and preservation thereof, of any person holding a brokerage license issued under the provisions of this section, that they have under this act with respect to motor carriers subject thereto.

E. It is specifically provided, however, that the word "transportation" as used in this section (13) means the transportation of property by carriers other than common carriers of passengers.

SECTION FOURTEEN. Suspension, Changes, revocation and transfer of certificates, permits and license.

A. Certificates, permits and licenses shall be effective from the date specified therein, and shall remain in effect until terminated as herein provided. Any such certificate, permit, or license may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed, revoked, in whole or in part, for wilful failure to comply with any provision of this Act, or with any lawful order, rule or regulation of the Commission promulgated thereunder, or with any term, condition, or limitation of such certificate, permit, or license; provided however that no such certificate, permit, or license shall be revoked (except upon application of the holder) unless the holder thereof wilfully fails to comply within a reasonable time, not less than thirty days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in this act, commanding obedience to the provisions of this Act, or to the rules or regulations of the Commission thereunder, or to the term, condition or limitation of such certificate, permit or license, found by the Commission to have been violated by such holder.

SECTION FIFTEEN. Subject to the provisions of Section 12, any certificate or permit may be transferred or leased pursuant to such rules and regulations as the Commission may prescribe, provided, however, that no such certificate or permit shall be transferred, or lease of any such certificate or permit approved, except after a finding by the Commission that the proposed transferee or lessee is in all respects qualified under the provisions of this Act to conduct the service or operation contemplated by such certificate or permit and that the proposed transfer or the approval of said lease is consistent with the public interest.

SECTION SIXTEEN. Security for the protection of the Public. A. No certificate or permit shall be issued to a motor carrier or remain in force, and no motor carrier subject to the provisions of this Act shall engage in any operation on any highway of this State, unless such carrier complies with such reasonable rules and regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amounts as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles under certificate or permit, or for loss or damage to property of others. The Commission shall under such rules and regulations as it shall prescribe,

require any such common carrier of property other than common carriers of passengers, to file a surety bond, policies of insurance, qualifications as self-insurer, or other securities or agreements, in a sum to be determined by the Commission, to be conditioned upon such carrier making compensation to shippers, and/or consignees for all property belonging to shippers and/or consignees, and coming into the possession of such carrier in connection with its transportation service. Such bond to be not less than \$1,000.00. Any carrier which may be required by law to compensate a shipper and/or consignee for any loss, damage, or default for which a connecting motor carrier is legally responsible shall be subrogated to the rights of such shipper and/or consignee under such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

BOND. Bond for C.O.D. B. In addition to all other bonds, all common carriers by motor vehicle other than carriers of passengers, under this Act, must file with the Commission for the protection of the consignor and/or consignee a bond known as a Collect On Delivery Bond in the sum of one thousand (\$1,000) dollars, such bond to be made by a surety company qualified to do business in this state.

SECTION SEVENTEEN. Rates, fares and charges of Common Carriers by Motor Vehicles.

A. It shall be the duty of every common carrier of passengers by motor vehicle to establish and provide safe and adequate service, equipment and facilities for the intrastate transportation of passengers in the State of Alabama; to establish, observe, and enforce just and reasonable individual and joint rates, fares and charges and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets and the carrying of personal sample and excess baggage, the facilities for the transportation, and all other matters relating to or connected with the intrastate transportation of passengers in the State of Alabama; and in case of such joint rates, fares and charges, to establish just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any such participating carriers.

B. It shall be the duty of every common carrier of property by motor vehicle to provide safe and adequate service, equipment and facilities for the intrastate transportation of property in the State of Alabama; to establish, observe, and enforce just and reasonable rates, charges, and classifications, and just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation and all other matters re-

lating to or connected with the intrastate transportation of property in the State of Alabama.

C. Common carriers of property by motor vehicle may establish reasonable through routes and joint rates, charges and classifications with other such carriers or with common carriers by railroad and/or express and/or water; and common carriers of passengers by motor vehicle may establish through routes and joint rates, fares or charges with common carriers by railroad and/or water. In case of such joint rates, fares or charges, it shall be the duty of the carrier parties thereto to establish just and reasonable regulations and practices in connection therewith and just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of said participating carriers.

D. Any person, state board, organization or body politic may make complaint in writing to the Commission that any such rate, fare, charge, classification, rule, regulation or practice in effect or proposed to be put into effect, is or will be in violation of this section or of Section 18. Whenever, after hearing, upon complaint, or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged or collected by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by railroad and/or express, and/or water for transportation in intrastate commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable or unjustly discriminatory, or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maxima or minima rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective and the Commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing upon complaint or upon its own initiative, without a complaint, establish through routes and joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers by common carrier by motor vehicle, or the maximum or minimum, or maxima or minima, to be charged, and the terms and conditions under which such through routes shall be operated.

E. Whenever, after hearing, upon complaint or upon its own initiative the Commission is of the opinion that the divisions of joint rates, fares, or charges applicable to the transportation in intrastate commerce in this State of Passengers or property by common carriers by motor vehicle or by such carriers in conjunc-

tion with common carriers by railroad and/or express, and/or water are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers, parties thereto, (whether agreed upon by such carriers, or any of them, or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable division thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order by the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. The order of the Commission may require the adjustment of divisions between the carriers, in accordance with the order, from the date of filing the complaint or entry or order of investigation or such other date subsequent, as the Commission finds justified and, in case of joint rates prescribed by the Commission, the order as to divisions may be made effective as a part of the original order.

F. Whenever there shall be filed with the Commission any schedule stating a new, individual, or joint rate, fare, charge, or classification for the transportation of passengers or property by a common carrier or carriers by motor vehicle, or by any such carrier and carriers by railroad and/or express and/or water in intrastate commerce, or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission is hereby authorized and empowered upon complaint of any interested party or upon its own initiative at once, and, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare or charge or such rule, regulation or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, or charge, or such rule, regulation, or practice, for a period of ninety days and if the proceedings has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Commission may make such order with reference

thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, or charge, or classification, rule, regulation, or practice, shall go into effect at the end of such period; provided that this paragraph shall not apply to any initial schedule or schedules filed on or before the date this Act become effective by any such carrier in bona fide operation. At any hearing involving a rate, fare, charge or classification, increased or sought to be increased, or involving a rule, regulation, or practice, after the date of the approval of this Act, the burden of proof shall be upon the carrier to show that the increased rate, fare, charge, or classification, or the rule, regulation, or practice, or the proposed increased rate, fare, charge, or classification, or the proposed rule, regulation or practice, is just and reasonable.

G. In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers by motor vehicle the Commission shall give due consideration, among such carriers, to the effect of rates upon the movement of traffic by such carriers; to the need, in public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and the need of revenues sufficient to enable such carriers, under honest, economical and efficient management, to provide such service.

H. Nothing in this section shall be held to extinguish any remedy or right of action not inconsistent herewith.

SECTION EIGHTEEN. Tariffs of Common Carriers by Motor Vehicle.

A. Every common carrier by motor vehicle shall file with the Commission, and keep open to the public inspection, tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of passengers or property in intrastate commerce in the State of Alabama between points on its own route and between points on its own route and points on the route of any other such carrier, or on the route of any common carrier by railroad and/or express, and/or water, when a through route and route and joint rate shall have been established. Such rates, fares, and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner and shall contain such information as the Commission by reasonable regulations shall prescribe; and the Commission is authorized to reject any tariff filed with it which is not in consonance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

B. Except as otherwise provided by law, No common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares or charges so specified, or extend to any person any privileges or facilities for transportation in intrastate commerce in this state, except such as are specified in its tariffs.

B-1. No common carrier, subject to the provisions of this Act, shall directly or indirectly issue or give any intrastate free ticket, free pass or free transportation for passengers, except to its officers, employees and agents, and their families, its surgeons, physicians, and attorneys at law; to ministers of religion, inmates of charitable and cleemosynary work; to persons totally blind, to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and caretakers of livestock, poultry, milk and fruit; to witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons; to members of the Commission and such of their employees as may be designated by them to assist the Commission in their duties under this Act, and the members of the Commission and such of their employees as are designated by them to assist the Commission in the performance of their duties under this Act, shall be entitled to free transportation within this State upon any motor vehicle of any common carrier subject to the provisions of this Act; provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers of passengers by motor vehicle, and their families; nor to prohibit any common carrier from carrying passengers or property free or at reduced rates with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and provided further that nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, county or municipal governments, or for charitable purposes, or to or from fairs, and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; provided however, such mileage, excursion or commutation tickets shall be obtainable by all persons applying therefor under like circumstances and conditions; and provided further, that if special or reduced rates are granted under the provisions of this Act, said companies shall file with the Commission a statement setting forth the terms and conditions upon which they grant such

special or reduced rates. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the State of Alabama a penalty of not less than one hundred dollars or more than two thousand dollars, and any person other than the persons excepted in this provision, who uses any such intrastate free ticket, free pass, or free transportation shall be subject to a like penalty.

C. No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, except after thirty days' notice of the proposed changed filed and posted in accordance with Paragraph A of this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements, of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

D. No common carrier by motor vehicle, unless otherwise provided by this Act, shall engage in the transportation of passengers or property unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act.

SECTION NINETEEN. Schedules of Contract Carriers by Motor Vehicles

A. It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish and keep open for public inspection, in the form and manner prescribed by the Commission, schedules, or in the discretion of the Commission, copies of contracts containing the minimum charges of such carrier for the transportation of passengers or property in intrastate commerce in this state and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this act, shall engage in the transportation of passengers or property in intrastate commerce in this State unless the minimum charges for such transportation by said carrier have been published, filed, and posted in accordance with the provisions of this Act. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after twenty days' notice of the proposed change filed in the aforesaid form and manner; but the Commission may, in its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules or copies of contracts

either in particular instances, or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the change proposed to be made and time when such change will take effect. No such carrier shall demand, charge or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, of as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept or receive less than the minimum charges so filed or prescribed; provided however, that any such carrier or carriers, or any class or group thereof, may apply to the Commission, for relief from the provisions of this paragraph, and the Commission may after hearing, grant such relief to such an extent and for such time, and in such manner as in its judgment is consistent with the public interest and the provisions of this Act.

B. Whenever, after hearing upon complaint or its own initiative the Commission find that any charge of any contract carrier or carriers by motor vehicle, or any rule, regulation, or practice of any such carrier or carriers affecting such charge, or the value of the service thereunder, for the transportation of passengers or property in intrastate commerce in this state, is not consistent with the public interest the Commission may prescribe such minimum charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest. Such minimum charge, or such rule, regulation, or practice, so prescribed by the Commission shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this act, which the Commission may find to be undue or inconsistent with public interest, and the Commission shall give due consideration to the cost of the service rendered by such carriers and to the effect of such minimum charge, or such rules, regulations, or practices, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

C. Whenever there shall be filed with the Commission by any such contract carrier any schedule or contract stating a reduced charge directly or by means of any rule, regulation, or practice, for the transportation of passengers or property in intrastate commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once, and, if it so orders, without answers or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation or practice, and pending such hearing and the decision thereon

the Commission, by filing with such schedule or contract and delivering to the carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such schedule or contract and defer the use of such charge, or such rule, regulation, or practice, for a period of ninety days, and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time extend the period of such suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge, rule, regulation, or practice shall go into effect at the end of such period provided, that this paragraph shall not apply to any initial schedule or schedules, or contract or contracts, filed by any such motor carrier in bona fide operation when this Act takes effect.

SECTION TWENTY. Accounts, Records and Reports.

A. The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, to prescribe the manner and form in which such reports shall be made, and to require from such carrier specific answers to all questions upon which the Commission may deem information to be necessary. Such reports shall be under oath whenever the Commission so requires. The Commission may also require any motor vehicle carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Act, to which he or it may be a party.

B. The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. The Commission or its duly authorized agents shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with intrastate operations and also all accounts, records, and memoranda, including all documents, papers and correspondence now or hereafter existing and kept, or required to be kept, by motor carriers. The agents of the Commission shall have authority under its order to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers,

correspondence now or hereafter existing and kept or required to be kept by such carriers; this provision shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Commission, to persons having control, direct or indirect, over a affiliated with any motor carriers.

C. As used in this section the term "motor carrier" includes brokers.

SECTION TWENTY-ONE. Every common carrier by motor vehicle subject to the provisions of this Act receiving property for transportation originating and terminating in this State shall issue to the shipper a receipt or bill of lading therefor, and shall be liable as a common carrier under the laws of this State to the lawful holder thereof for any loss, damage or injury to such property caused by it; and no contract, stipulation, receipt, rule or regulation contained in said receipt or bill of lading, or otherwise, shall exempt such common carrier from the liability hereby imposed; but nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law. Every bill of lading so issued to the shipper shall state the class or classes of freight or express shipped and the rate to the point of destination and the aggregate charge made for the transportation. The Commission shall prescribe the forms and contents of bills of lading, receipts, expense bills and other records, to be used by such common carriers subject to the provisions of this Act and to make all proper rules and regulations with respect thereto which may be necessary or proper to secure the safe receipt, handling, transportation and delivery of property by such common carriers upon just and reasonable terms, and such records shall be subject to inspection by the Commission.

SECTION TWENTY-TWO. Orders of the Commission.

A. Except as otherwise provided in this Act, all orders of the Commission shall take effect within such reasonable time as the Commission may prescribe, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

B. As used in this section the term "motor carriers" includes brokers.

SECTION TWENTY-THREE. Unlawful Operation.

A. Any person knowingly and wilfully violating any provision of this act, or any rule, regulation, requirement, or order thereunder or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, shall upon conviction thereof, be fined not more than \$100 for the first offense

and not more than \$500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. If any motor carrier or broker operates in violation of any provision of this act (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any rule, regulation or requirement, or order thereunder, or of any term or condition of any certificate of permit, the Commission or its duly authorized agency may apply to the Circuit Court of the State of Alabama for any county where such motor carrier or broker operates, for the enforcement of such provision of this act, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its officers, agents, employees, and representatives from further violation of such provision of this Act or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto.

C. Any person, whether carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Act, or who by means of any false statement or representation, or by use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or Bill of Sale, or by any other means or device, shall knowingly and wilfully assist suffer or permit any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this act for less than the applicable rate, fare, or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulations as in this Act provided for motor carriers or brokers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$100 for the first offense and not more than \$1000 for any subsequent offense.

D. Any agent or employee of the Commission, who divulges any fact or information which may come to his knowledge during the course of the examination of the accounts, records, and memoranda of motor carriers or brokers as provided in this act, except as he may be directed by the Commission or by a court of competent jurisdiction or judge thereof, shall be subject, upon conviction in any court of the State of Alabama of competent jurisdiction, to a fine of not more than \$1000.

E. It shall be unlawful for any motor carrier or broker engaged in intrastate commerce or any officer, receiver, trustee, lessee, agent, or employee of such carrier, broker, or person, or any

other person authorized by such carrier, broker, or person to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such motor carrier or broker for such transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, and it shall be unlawful for any person to solicit or knowingly receive any such information which may be so used.

F. Nothing in this act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, or to any officer or agent of the Government of the United States or of any State, territory, or district thereof, in the exercise of his power, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes or to another carrier or broker or its duly authorized agent, for the purpose of adjusting mutual traffic accounts; in the ordinary course of business of such carriers or brokers.

G. Any motor carrier or broker, or any officer, agent, employee, or representative thereof who shall wilfully fail or refuse to make a report to the Commission as required by this act, or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Commission, or shall knowingly and wilfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and wilfully file any false report, account record or memorandum, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than \$5,000.

SECTION TWENTY-FOUR. Collection of Rates and Charges. No common carrier by motor vehicle shall deliver, or relinquish possession at destination of any freight transported by it in intra-state commerce until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for weekly or monthly settlement, and to prevent unjust discrimination or undue preference or prejudice; provided, that the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any state or political subdivision thereof. Where any common carrier by motor vehicle is instructed by a

shipper or consigner to deliver property transported by such carrier to a consignee other than the shipper or consigner, such consignee shall not be legally liable for transportation charges in respect to the transportation of such property, (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him if the consignee (a) is an agent only and has no beneficial title in the property, and (b) prior to delivery of the property, has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and in the case of shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or, in cases of a shipment so re-consigned or diverted, the beneficial owner, shall be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, said beneficial owner shall be liable for all legally applicable charges in connection therewith.

SECTION TWENTY-FIVE. The Commission is authorized to employ such assistants and employees as are necessary to aid the commission in the proper administration and enforcement of this Act, subject to the provisions of the merit system act.

SECTION TWENTY-SIX. The Commission is empowered to designate by its order such of its employees to act as Examiners under this Act as may be found to be necessary or desirable.

Each of the Commissioners, and any employee designated as Examiner by the Commission, for the purposes mentioned in this Act and in all hearings before the Commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers.

SECTION TWENTY-SEVEN. From any final action or order of the Commission in the exercise of the jurisdiction, power, authority, conferred upon the Commission by this Act, an appeal shall lie to the Circuit Court of the County of the carrier's residence, or in which he has his principal place of business or to the Circuit Court of Montgomery County, Alabama, sitting in equity, and thence to the Supreme Court of Alabama. Such appeals must be taken within thirty days after the date of such final action or order and such appeals and the supersedeas and stay of action or order appealed from in other respects shall be governed by the provisions of the law now in force, or hereafter enacted, respecting appeals in other cases from the final order and actions of the commission.

SECTION TWENTY-EIGHT. For the extra, new and additional duties imposed upon the commission and the members thereof by this Act, and for the performance of duties which are and will be hereafter required of said commission and the members thereof hereunder, each member of the Commission, in addition to the compensation otherwise provided by law to be paid to him for his service as a member of the Commission, shall receive two thousand dollars (\$2,000.00) annually, to be paid monthly as the salaries of other officers are paid, out of the monies of the State Treasury provided by law for payment of salaries and other expenses of the Commission, which additional sum is to take the place of the sum now received by each member of the Commission under the Alabama Motor Carrier Act of 1927 and/or the Alabama Motor Carrier Act of 1931, which said acts are hereby repealed.

SECTION TWENTY-NINE. There is hereby appropriated out of the monies of the State Treasury to the credit of the "Motor Carrier Fund" the sum of Fifth Thousand Dollars annually, to meet the expense incurred by the Alabama Public Service Commission under the provisions of this Act. The expenses incurred by Alabama Public Service Commission under the provisions of this Act, when certified by the Commission or its President, and approved by the Governor, shall be paid on warrant drawn as prescribed by law with respect to other warrants. Said appropriation as provided hereunder shall be in addition to the appropriation for said Commission provided under Senate Bill 239 of Regular Session, 1939 of the Legislature of Alabama.

SECTION THIRTY. FEES. In addition to all of the taxes and fees prescribed by law, motor carriers shall pay to the Commission under the provisions of this Act the following:

A. Every application for a certificate of public convenience and necessity or permit under this Act, except applications of motor carriers or predecessors in interest, in bona fide operation on July 1st, 1939, which are filed under the provisions of Sections Eight A and Eleven A, hereof, shall be accompanied by an application fee in the amount of Fifty (\$50.00) Dollars.

B. Every application for an amendment of a certificate of public convenience and necessity or permit shall be accompanied by an application fee in the amount of Fifteen (\$15.00) Dollars.

C. Every application for transfer of a certificate of public convenience and necessity, or permit, shall be accompanied by a fee of Twenty-Five (\$25.00) Dollars.

D. Every application for approval of a lease of a certificate of public convenience and necessity, for a period of more than six months shall be accompanied by a fee of Ten (\$10.00) Dollars.

E. For every motor vehicle to be used by a motor carrier on the highway of the State of Alabama there shall be paid a registra-

tion fee in the amount of One (\$1.00) Dollar, and the Commission is given authority to adopt reasonable rules and regulations for the issuance of an appropriate registration or distinguishing plate or tag for each such motor vehicle upon which the registration fee prescribed by this act shall have been paid, and such registration or distinguishing plate or tag shall remain with the motor vehicle for which it was issued and shall be non-transferable. It shall be unlawful for any such motor vehicle to be operated on the highways of this State without having conspicuously displayed on the front or rear thereof a registration or distinguishing plate or tag duly prescribed and issued for such vehicle by the Commission under the provisions of this Act, provided however that one such registration or distinguishing plate or tag as provided for by this section shall be issued for each distinguishing plate or identification tag previously issued by the Commission and properly in use by motor carriers holding certificates of public convenience and necessity issued by the Commission or permits theretofore issued, under such reasonable rules and regulations as the Commission may prescribe, but no plate or tag previously issued will be replaced under this provide until it is determined by the Commission that the carrier holding such plate or tag previously issued is entitled to a certificate or permit under this Act, and pending such determination the use of any such plate or tag previously issued and properly in use on the effective date of this Act. shall be lawful. If in any proceeding in which a motor carrier operating on the effective date of this Act, or prior there-thereto, is seeking a certificate or permit hereunder, it is found that the applicant is not entitled to such certificate or permit and application therefor is denied, then and in that event, any and all idstinguishing plates or identification tags previously issued to such carrier will be void.

E. All said tax penalties, fees, or allowances collected under this Act, shall be paid into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasury in a fund to be know as the "Motor Carrier Fund."

SECTION THIRTY-ONE. Municipalities. Any incorporated city or town in this state shall have the right by proper ordinance, to tax and collect reasonable privilege license or taxes from any motor carrier as defined by this act where such motorcarrier does business in said city or town by receiving passengers or freight for transportation for hire between said city or town and another point in Alabama, provided, however, that said privilege license or tax shall not exceed the sum of \$25.00 in incorporated cities or towns of less than 5,000 inhabitants and that said privilege license or tax shall not exceed the sum of \$100.00 in incorporated cities or towns of over 5,000 and less than 25,000 inhabitants; and that said privi-

lege license or tax shall not exceed the sum of \$200.00; in incorporated cities or towns of more than 25,000 and less than one hundred thousand inhabitants;—and that said privilege license or tax shall not exceed the sum of three hundred dollars (\$300.00) in incorporated cities or towns of over one hundred thousand (100,000) inhabitants; and that the population shall be computed on the federal census of 1930 or any subsequent decennial federal census; and provided further that said privilege license or tax shall be in cases of motor buses, include the privilege of receiving and discharging both passengers and express.

SECTION THIRTY-TWO. The Commission is given the power and authority to make such general rules and regulations not incorporated herein or inconsistent herewith by general order or otherwise as may be necessary to carry out the provisions of this Act, and may on their own initiative inquire into and enforce all provisions of this Act.

A substantial compliance by the Commission with the requirements of this Act shall be sufficient to give effect to all rules, orders, acts, and regulations of the Commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

SECTION THIRTY-THREE. This Act shall be known as and may be cited as the "Alabama Motor Carrier Act of 1939."

SECTION THIRTY-FOUR. The Act approved August 23, 1927 and known as the Alabama Motor Carrier Act of 1927 and the Act approved June 19, 1931, and known as the Alabama Motor Carrier Act of 1931 and the Act approved October 28, 1932, General Acts of Alabama, Extra Session 1932, pp 178-190, are hereby expressly repealed.

SECTION THIRTY-FIVE. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby expressly repealed.

SECTION THIRTY-SIX. If any clause, sentence, paragraph or part of this Act shall for any reason be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this act; but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which judgment has been rendered.

SECTION THIRTY-SEVEN. This Act shall become effective ninety (90) days after the approval of same by the Governor.

Mr. Norman of Bullock offered the following amendment to the substitute offered by Mr. Dominick for the Bill, H. 792:

Amendment to substitute for H. 792, by Mr. Norman of Bullock:

Amend Sec. 28 of said substitute by striking out the words "Two Thousand Dollars (\$2,000.00)" where they appear in said Section, and substituting the words "One Thousand Dollars (\$1,000.00)."

And the amendment offered by Mr. Norman of Bullock to the substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

Yeas, 70; Nays, 18.

Yeas:

Messrs.:	Devers	Mathews (Clarke)	Sessions
Allen	Dobbs	Matthews (Jackson)	Spence
Austin	Doster	Mayhall	Stallings
Bagley	Garrett	Megginson	Stone
Barchard	Golson	McCord	Thomas
Barnes	Graham	McDanal	Tidmore
Beck	Graves	Nation	Toomer
Booth	Green	Neighbors	Tucker
Brown (Covington)	Hall	Newman	Walden
Carwile	Hardwick	Norman (Bullock)	Waldrop
Chewning	Henson	Norman (Lowndes)	Wallace
Christopher	Hill	Owens	Waller
Clayton	Hodo	Peacock	Welch
Cobb	Kaul	Petrey	Weston
Collier	Langan	Quarles	Whigham
Davis (Madison)	Langley	Robertson (Cullman)	Wood
Dearman	Locke	Robinson (Lowndes)	Young
Delony	Martin	Robinson (St. Clair)	

—70

Nays:

Mr. Speaker	Cook	Miller	Sanderson
Ball	Dominick	McGowin	Segrest
Boswell	Flowers	Payne	Sightler
Branyon	Jones	Sadler	Smyer
Castleberry	Lovelace		

—18

Mr. Smyer offered the following amendment to the substitute offered by Mr. Dominick for the bill, H. 792:

Amendment to Substitute House bill 792:

Amend Substitute House Bill 792, by adding immediately after the words "of selling such property" in the fourth line of subsection (3) of paragraph "A" of Section Two, the following:

"also motor vehicles engaged in hauling coal, logs, lumber or cotton in bales for a distance not exceeding seventy-five (75) miles."

And the amendment offered by Mr. Smyer to the substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

Mr. Matthews of Jackson offered the following amendment to the substitute offered by Mr. Dominick for the bill, H. 792:

Amendment to Substitute for H. 792, by Mr. Matthews (Jackson):

To amend Subsection A. (1) of SECTION TWO of House Bill #792 by striking the same and inserting in lieu thereof the following:

"A (1) School busses or motor vehicles which are owned by the County Board of Education or under contract with County Boards of Education."

And the amendment offered by Mr. Matthews of Jackson to the substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

Mr. Cope offered the following amendment to the amendment offered by Mr. Smyer to the substitute offered by Mr. Dominick for the bill, H. 792:

Amend the Amendment offered by Mr. Smyer to Sub-section (3) of paragraph "A" of Section Two of the Substitute for House Bill #792 by adding at the end thereof the following:

Or trucks hauling road material and paid by the State of Alabama for a distance not exceeding 25 miles.

And the amendment offered by Mr. Cope was adopted.

Mr. Hardwick offered the following amendment to the substitute offered by Mr. Dominick for the Bill, H. 792:

Amend Section 2 of Substitute for H. B. No. 792 by adding thereto the following paragraph I:

I. Motor vehicles owned by a merchant or farmer used occasionally in transporting household goods and furniture.

And the amendment offered by Mr. Hardwick to the substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

Mr. Smyer offered the following amendment to the substitute offered by Mr. Dominick for the bill, H. 792:

Amendment to substitute House bill 792:

Amend the Substitute House Bill 792, by striking from subsection "D" of Section Seventeen, immediately after the words "without a complaint, establish" the words "through routes and" where said words appear in the fourth from the last line of said Subsection D.

Also by striking out in subsection D of Section 2 the word "his" before the word "agricultural" and striking out the word "his" be-

fore the word "farm" and substituting in lieu thereof the word "the"

And the amendment offered by Mr. Smyer to the Substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

And the substitute offered by Mr. Dominick for the bill, H. 792, as amended, was adopted.

Yeas, 47; Nays, 37.

Yeas:

Mr. Speaker	Cope	Martin	Sessions
Bagley	Delony	Mathews (Clarke)	Smyer
Barnes	Dominick	Matthews (Jackson)	Spence
Beck	Gewin	Megginson	Stallings
Booth	Green	Miller	Thomas
Branyon	Gwin	McGowin	Tidmore
Brown (Covington)	Hall	Nation	Walden
Chewning	Hardwick	Norman (Bullock)	Waldrop
Christopher	Hill	Norman (Lowndes)	Wallace
Clayton	Hodo	Payne	Welch
Collier	Jones	Robertson (Cullman)	Young
Cook	Lovlace	Segrest	

—47

Nays:

Messrs.:	Graves	Newman	Sanderson
Austin	Hare	Owens	Scott
Barchard	Henson	Peacock	Sherrer
Boswell	Langan	Petrey	Sightler
Carwile	Langley	Pitts	Taylor
Cobb	Locke	Quarles	Toomer
Dearman	Mayhall	Robinson (Lowndes)	Tucker
Dobbs	McCord	Robinson (St. Clair)	Waller
Flowers	McDanal	Sadler	Wood
Golson	Neighbors		

—37

And said bill:

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act, to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional as-

sistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act; to provide for the punishment and penalties for the violation of this Act and of the Commission's regulations and order thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

As amended by the substitute offered by Mr. Dominick, as amended, was read a third time at length and lost.

Yeas, 45; Nays, 45.

Yeas:

Mr. Speaker	Delony	Langan	Smyer
Ball	Dominick	Lovelace	Snyder
Barnes	Garrett	Martin	Spence
Beck	Gewin	Mathews (Clarke)	Stallings
Booth	Green	Meggins	Stone
Branyon	Gwin	Miller	Thomas
Brown (Covington)	Hall	McGowin	Tidmore
Chewning	Hardwick	Norman (Lowndes)	Waldrop
Clayton	Hodo	Payne	Wallace
Collier	Jones	Robertson (Cullman)	Welch
Cook	Kaul	Sessions	Young
Cope			

—45

Nays:

Messrs.:	Dobbs	McDanal	Robinson (St. Clair)
Allen	Flowers	Nation	Sadler
Austin	Golson	Neighbors	Sanderson
Barchard	Graham	Newman	Sherrer
Boswell	Graves	Norman (Bullock)	Sightler
Carwile	Hare	Owens	Taylor
Castleberry	Henson	Peacock	Toomer
Christopher	Hill	Petrey	Tucker
Cobb	Langley	Pitts	Walden
Davis (Madison)	Locke	Quarles	Waller
Dearman	Mayhall	Robinson (Lowndes)	Wood
Devers	McCord		

—45

RECESS

On motion of Mr. McGowin the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty, o'clock, P.M., having arrived, the House reconvened.

BILLS ON THIRD READING

H. 1008. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Kaul	Pitts
Allen	Dominick	Langan	Pool
Austin	Doster	Langley	Robinson (Lowndes)
Bagley	Ellis	Locke	Robinson (St. Clair)
Ball	Flowers	Lovelace	Sadler
Barchard	Garrett	Martin	Scott
Barnes	Gewin	Mathews (Clarke)	Segrest
Beck	Golson	Mathews (Jackson)	Sessions
Booth	Graham	Mayhall	Sherrer
Boswell	Graves	Megginson	Sightler
Branyon	Green	Miller	Smyer
Clayton	Gwin	McCord	Snyder
Cobb	Hall	McDanal	Spence
Collier	Hill	McGowin	Thomas
Cook	Hodo	Owens	Tidmore
Cope	Jones	Payne	Toomer
Dearman			

—65

On motion of Mr. Boswell the bill, H. 1008 was ordered sent forthwith to the Senate without engrossment.

H. 1009. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said court and for

the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker
Ball
Barchard
Boswell
Branyon
Carwile
Chewning
Christopher
Clayton
Cobb
Collier
Cook
Cope
Dearman
Delony
Dobbs
Dominick

Doster
Ellis
Flowers
Garrett
Gewin
Golson
Graham
Green
Gwin
Hall
Hardwick
Hare
Haynes
Henson
Jenkins
Martin

McDanal
McGowin
Nation
Neighbors
Newman
Norman (Bullock)
Owens
Payne
Peacock
Petrey
Quarles
Robertson (Cullman)
Robinson (Lowndes)
Robinson (St. Clair)
Sadler
Sanderson

Scott
Segrest
Sessions
Sherrer
Sightler
Smyer
Snyder
Spence
Stallings
Stone
Taylor
Tucker
Waller
Weston
White
Young

—65

On motion of Mr. Boswell the bill, H. 1009, was ordered sent forthwith to the Senate without engrossment.

H. 1010. To regulate the Fine and Forfeiture Fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of the Fine and Forfeiture Fund; to prescribe the duties of the County Treasurer or other custodian of county funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Graves	McDanal	Spence
Allen	Green	Nation	Stallings
Austin	Gwin	Neighbors	Stone
Bagley	Hall	Newman	Taylor
Ball	Hare	Peacock	Thomas
Barchard	Haynes	Petrey	Tidmore
Barnes	Henson	Phillips	Toomer
Beck	Hill	Robertson (Cullman)	Tucker
Booth	Hodo	Robinson (Lowndes)	Walden
Boswell	Jenkins	Robinson (St. Clair)	Waldrop
Branyon	Jones	Scott	Wallace
Brown (Covington)	Kaul	Segrest	Waller
Brown (Lee)	Locke	Sessions	Welch
Carwile	Martin	Sherrer	Weston
Castleberry	Megginsin	Sightler	Whigham
Delony	Miller	Smyer	Young
Devers			

—65

On motion of Mr. Boswell, the bill, H. 1010, was ordered sent forthwith to the Senate without engrossment.

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh county, Alabama; to fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Was taken up. Mr. Castleberry offered the following substitute for the bill, H. 956:

Castleberry substitute for H. 956:

A BILL

To be entitled An Act to further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; to fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Be it Enacted by the Legislature of Alabama:

SECTION 1. GENERAL POWERS, DUTIES AND AUTHORITY.—The county superintendent of education of Conecuh County, Alabama, shall have all the powers, duties and authority as is now or may hereafter be conferred by general law upon county superintendents of education, except as the same may be in conflict with this act. He also shall retain such powers, duties and au-

thority as he may now have by reason of the passage of any local act, except as the same may be in conflict herewith.

SECTION 2. QUALIFICATIONS—No person shall be eligible to hold the office of superintendent of education of said County who does not possess such qualifications as required under a local act for said County enacted in 1923. (Local Acts, 1923, Page 79.)

SECTION 3. APPOINTMENT IN EMERGENCY—If no person meeting the requirements set out in Section 2 of this act qualifies for nomination and election as now provided under existing law, the county board of education shall appoint a superintendent as provided by general law regulating the appointment of county superintendents.

SECTION 4. TERM OF OFFICE—The present term of office of the county superintendent of education of Conecuch County, Alabama, shall be and hereby is extended until the close of business on June 30, 1941 and until his successor is elected and qualified, such election to be had at the regular November election in 1940, and each four years thereafter. The next term, and each term thereafter, shall be for four years, and shall begin on the first day of July next after the election at which a superintendent is chosen.

SECTION 5. COMPENSATION—The county superintendent of education shall receive an annual salary of \$3,000 per annum, payable in equal monthly installments of \$250 each on the order of the county board of education. In addition to salary, he shall receive a travelling allowance of five cents per mile necessarily travelled by him in connection with the educational interests of the County; provided, however, such travelling allowance shall not exceed such maximum as may be fixed by the county board of education.

SECTION 6. VACANCIES—All vacancies in the office of the county superintendent of education shall be filled by appointment of the county board of education, and such appointment shall be for the unexpired term. If the board fails to fill any vacancy within 60 days after it has occurred, an appointment to fill such vacancy shall be made by the state superintendent of education.

SECTION 7. SAVING CLAUSE—If any section, part of section, clause or provision of this act is declared invalid, such holding shall not affect any other section, part of section, clause or provision not in itself invalid and the same shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE—This act shall become effective upon its passage and approval by the Governor.

SECTION 9. LAWS IN CONFLICT—All laws, and parts of laws, in conflict with the provisions of this act hereby are repealed.

And the substitute offered by Mr. Castleberry for the bill, H. 956, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Kaul	Snyder
Allen	Collier	Langan	Spence
Austin	Cook	Martin	Stallings
Bagley	Cope	Miller	Stone
Ball	Flowers	McCord	Taylor
Barchard	Garrett	McDanal	Thomas
Barnes	Gewin	McGowin	Tidmore
Beck	Golson	Nation	Toomer
Booth	Graves	Owens	Tucker
Boswell	Green	Payne	Welch
Branyon	Gwin	Robertson (Cullman)	Weston
Brown (Lee)	Hall	Robinson (Lowndes)	Whigham
Carwile	Hill	Sessions	White
Castleberry	Hodo	Sherrer	Wood
Chewning	Jenkins	Sightler	Wright
Christopher	Jones	Smyer	Young
Clayton			

—65

And said bill:

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; To fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

As amended by the substitute offered by Mr. Castleberry, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Kaul	Snyder
Allen	Collier	Langan	Spence
Austin	Cook	Martin	Stallings
Bagley	Cope	Miller	Stone
Ball	Flowers	McCord	Taylor
Barchard	Garrett	McDanal	Thomas
Barnes	Gewin	McGowin	Tidmore
Beck	Golson	Nation	Toomer
Booth	Graves	Owens	Tucker
Boswell	Green	Payne	Welch
Branyon	Gwin	Robertson (Cullman)	Weston
Brown (Lee)	Hall	Robinson (Lowndes)	Whigham
Carwile	Hill	Sessions	White
Castleberry	Hodo	Sherrer	Wood
Chewning	Jenkins	Sightler	Wright
Christopher	Jones	Smyer	Young
Clayton			

—65

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 494. To appropriate the first \$400,000.00 of any surplus over and above \$750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

RECONSIDERATION

Mr. Hare moved to reconsider the vote by which the bill, H. 792 was lost. The motion of Mr. Hare to reconsider the vote by which the bill, H. 792 was lost prevailed.

Yeas, 51; Nays, 22.

Yeas:

Mr. Speaker	Garrett
Allen	Gewin
Austin	Green
Ball	Gwin
Barnes	Hall
Branyon	Hardwick
Brown (Covington)	Hare
Carwile	Hill
Collier	Hodo
Cope	Jones
Dominick	Kaul
Ellis	Langan
Flowers	Lovelace

Martin	Segrest
Mathews (Clarke)	Smycr
Mayhall	Stallings
Meggins	Stone
Miller	Thomas
McCord	Tidmore
McGowin	Waldrop
Norman (Bullock)	Wallace
Norman (Lowndes)	Welch
Pitts	Weston
Robertson (Cullman)	Whigham
Robinson (Lowndes)	Young
Robinson (St. Clair)	

Nays:

Messrs.:	Golson	Owens	Sightler
Barchard	Graham	Peacock	Taylor
Christopher	Henson	Quarles	Tucker
Dearman	Locke	Sadler	Walden
Delony	Nation	Sanderson	Waller
Dobbs	Newman	Sherrer	

—22

On motion of Mr. Dominick, the further consideration of the Bill, H. 792, was postponed; and said bill, H. 792, was on motion of Mr. Dominick, taken from the special order calendar of the House and placed on the regular calendar of the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following joint resolution:

H. J. R. 112—Relative to designating House bill 223 the Beck-Harrison Bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Tucker:

S. 457. To provide an additional and alternative authority for the consolidation of the administration and control of the public school systems in any county of more than 55,000 population according to the last or any succeeding Federal census; to provide an additional and alternative authority for establishing a board of education in lieu of all other county and city boards of education in such counties to serve until the election of a county board of education, and to provide for the manner of the selection of a county board of education in such consolidated school systems, and to define its authority and duties.

Also:

By Mr. Booth:

S. 495. To amend Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal

or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Also:

By Mr. Poole:

S. 451. To amend Section 3 of an Act entitled "An Act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms 'dealer' and 'vendor', and to provide penalties for the violation of the provisions of this Act," approved March 2, 1937.

Also:

By Mr. Young:

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Education, S. 457.

Municipal Organization, S. 495.

Ways and Means, S. 451; S. 364.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House.

H. 125. To provide a Local Option Stock Law for the State of Alabama with the County as the unit; to provide local option elections to be held in any county to determine whether it shall be lawful for cows, calves, yearlings, oxen and bulls to go at large in any such county; to provide that this Act shall be designated and cited as "The Local Option Stock Law for the State of Alabama with the County as the Unit"; to make it unlawful for livestock or other animals to run at large upon the premises of another or on the public lands, roads, highways or streets in the State of Alabama; to make the owner thereof liable for damages done by such live-stock or animals; to provide for the taking up of such live-stock or animals by the owner or person in possession of any land so trespassed upon, or an agent of such parties or by any member of the State Highway Patrol, the Sheriff and his deputies of any county, the constable of any precinct, or any law enforcement officer of any municipality, and for the payment of certain fees in connection therewith; to provide for notice to the owner of any live-stock or animals taken up if such owner be known; to provide for proceedings before justices of the peace, mayors, or recorder's court in reference to the taking up of such live-stock or animals and for the payment of costs incurred in such suits; to provide also for the ascertainment and payment of damages to property caused by live-stock or animals unlawfully at large, and orders or judgments to be made in connection therewith, and for the enforcement thereof, and to provide for appeals to be taken from any judgment rendered by any justice of the peace, mayor or recorder under the provisions of this Act to the Circuit Court, or other court of like jurisdiction; to provide that in counties or municipalities where live-stock or animal pounds are maintained, any person or officer seizing any live-stock or animal may deliver such live-stock or animal so seized

to the poundkeeper for safekeeping; to provide that the owner of any live-stock or animal seized under the provisions of this enactment may make bond for the recovery of the live-stock or animal; to provide further for the sale of such live-stock or animal after the ascertainment of damages; to define and limit the term "live-stock" or "animal"; to define "open range county" and "stock law county" and to provide that no liability shall attach to any owner or operator of any vehicle of any kind who may injure or kill in either "open range" or "stock law" counties any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat or pig, while at large on any public highway; and to repeal all laws, general, special, local, and private, and parts of laws in conflict herewith.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Norman of Bullock, the House concurred in and adopted the Senate amendment to the bill, H. 125, said Senate amendment being as follows:

Amend House Bill 125 by striking from paragraph 3 of the bill the last words thereof reading "unless it be proven that such owner knowingly or wilfully permitted such stock or animal to go at large" and by substituting therefor the following "Unless it be proven that such owner knowingly or wilfully put or placed such stock upon such public highway, road or street, where such damages were occasioned."

AMEND HOUSE BILL NO. 125 so that Sections 15, 17 and 18 shall read as follows:

"Section 15. On and after March 1, 1941, it shall be unlawful for horses, mares, mules, jacks, jennies, colts, cows, yearlings, bull, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs to go at large in any county of the State of Alabama. An election may be held, however, in the manner hereinafter prescribed in any county in the State of Alabama after the passage of this enactment and its approval by the Governor to determine the sentiment of the voters of each such county as to whether cows, calves, yearlings, oxen, and bulls may go at large in each such county. Upon a petition of 25% of the number of qualified electors voting in such county in the last preceding general election being filed with the Probate Judge of any county, the said Probate Judge of such county must call an election to determine the sentiment of the people as to whether or not cows, calves, yearlings, oxen, and bulls may go at large in said county. The first said election for the determination

of this question may be held in any county at any time prior to the effective date of this Act. The appointment of officers to hold any such election shall be made in the same manner as appointments to conduct other elections. Provided, if the election is held at the same time of a primary or general election the officers appointed for such primary or general election shall hold the election hereunder. Subject to the above limitations, said election, or any election held under the terms of this enactment, shall be held within not less than 30 days nor more than 45 days from the date of filing said petition, and notice thereof shall be given by the Probate Judge by publication at least three weeks before the date of said election in a newspaper published in such county, or if there be none, by posting such notice at the Court House door of said county, apprising the voters of the county that an election will be held in the several precincts thereof to determine whether such county shall be controlled in its entirety by this enactment or whether in such county cows, calves, yearlings, oxen and bulls may be permitted to go at large. The cost of the publication of notice and the cost of said election shall be paid out of the general funds of the county: On the ballot to be used for such election the question shall be in the following form: "Do you oppose the running at large within this county of cows, calves, yearlings, bulls and oxen, in accordance with the provisions of the Local Option Stock Law for the State of Alabama with the County as the unit?"

Yes..... No....." Only qualified electors shall vote in said election. If a majority of the electors voting in said election vote "Yes" then it shall be unlawful for cows, calves, yearlings, oxen and bulls to run at large in said county until said county shall in a subsequent election held under this Act indicate that it wishes cows, calves, yearlings, oxen and bulls to go at large. If a majority of the electors voting in said election vote "No", said county shall be an "Open Range County" under the terms of this Act until it shall, by a subsequent election held under this Act, vote that it shall be unlawful for cows, calves, yearlings, bulls and oxen to go at large in said county. After one such election there can be no other election for such purpose held in such county within two years, and thereafter no additional election may be held within two years from the date of the last prior election.

For the purpose of this Act, the term "Stock Law County" shall mean any county which does not vote "Open Range", and the term "Open Range County" shall be understood to mean any County which by a majority of those voting, may direct that it shall be lawful for cows, calves, yearlings, oxen and bulls to go at large in such county.

In all "Open Range Counties" or "Stock Law Counties" as herein defined, if any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat, or pig be injured or killed while at large on any public highway, no liability for the injury to or death of such animal shall attach to the owner or operator of any vehicle of any kind causing the injury or death, unless it be shown that such injury or death was the result of wilful or wanton conduct of the operator of the vehicle."

"Section 17. All laws or parts of laws, general, special, local and private, in conflict herewith are hereby repealed, except that this Act shall not be construed to repeal any municipal stock law, nor shall an election held hereunder repeal any municipal stock law, nor shall this Act be held to prevent any municipality from enacting a stock law ordinance.

"Section 18. This Act shall become effective after its passage and approval by the Governor, on and after March 1, 1941."

Amend House Bill 125 by adding section 15½ as follows:

"Section 15½. If any county shall have one or more stock law districts in which cows, calves, yearlings, bulls and oxen are prohibited from running at large, but less than the whole county under such stock law, at the time this Act is passed and approved, then an election held hereunder at which the vote is in favor of cows, calves, yearlings, bulls and oxen running at large shall not repeal any such stock law in such stock law district or districts existing at the time of the passage and approval of this Act."

Amend House Bill 125 so that the last sentence of Section 13 will become two sentences to read as follows:

"The justice of the peace shall be entitled to fifty cents for making the order of sale, and the officer making the sale shall be entitled to \$1.00 for making such sale and posting the notices. When the proceeding is held before the mayor or recorder of any municipal court a fee of fifty cents shall be added to the costs and an additional charge of \$1.00 shall be made for the services of the clerk or other officer for making such sale and posting the notices, which such additional items of cost shall be paid into the municipal treasury."

Amend House Bill 125 by adding at the end of Section 2 the following:

"Nothing in this Section or elsewhere in this act shall be construed to make it unlawful for livestock or other animals to run at large on the premises of another when the owner or person in charge of the premises has consented in writing to let livestock or other animals run at large on the same, or to subject the owner of such livestock or other animals to criminal prosecution therefor."

Yeas, 76; Nays, 7.

Yeas:

Mr. Speaker	Garrett	Miller	Sessions
Allen	Golson	McCord	Sherrer
Austin	Graves	McGowin	Sightler
Bagley	Green	Nation	Smyer
Ball	Gwin	Neighbors	Snyder
Barchard	Hall	Newman	Spence
Barnes	Hardwick	Norman (Bullock)	Stallings
Branyon	Haynes	Norman (Lowndes)	Stone
Carwile	Hill	Owens	Taylor
Chewning	Hodo	Payne	Thomas
Christopher	Jones	Petrey	Toomer
Collier	Langan	Pitts	Walden
Cook	Langley	Pool	Waldrop
Cope	Locke	Quarles	Waller
Davis (Madison)	Lovelace	Robertson (Cullman)	Welch
Dearman	Martin	Robinson (Lowndes)	Weston
Dobbs	Mathews (Clarke)	Robinson (St. Clair)	Whigham
Dominick	Mayhall	Scott	Wood
Doster	Megginson	Segrest	Young

—76

Nays:

Messrs.:	Hare	Peacock	Sanderson
Castleberry	Henson	Sadler	Tidmore

— 7

BILLS ON THIRD READING

H. 714. To amend Section 3 by increasing the employee contributions provided for therein from three percentum (3%) to six percentum (6%) of the monthly salary of such employee, and by limiting the contribution of such employee and such city, respectively, to a maximum of twelve dollars (\$12.00) per month; to amend Section 4 by altering the membership of the Board of Managers, said members to be selected and designated in the manner provided, and by providing for a quorum of said Board and setting the minimum number of votes required to transact the business of said Board; to amend Section 5 by limiting disability benefits payable to a maximum of one hundred dollars (\$100.00) per month; to amend Section 6 by limiting retirement benefits to a maximum of one hundred dollars (\$100.00) per month; to amend Section 7 by dispensing with interest payable on contributions returned to members or beneficiaries who are, respectively, involuntarily retired through no fault of their own involving moral turpitude or who die before becoming eligible for a pension, or who elect not to become subject to the provisions of this act as amended, and dispensing with any further reductions from the said returned contributions; to amend Section 8 by providing for an appraisal of the Pension and Relief Fund at the end of each three-year period, and dispensing with any other or further appraisals or modifications of

the pension or contribution schedules; and to add another section to be designated Section 7½, providing for a refund of the contributions of any employee where such contributions have exceeded the sum of twelve dollars (\$12.00) per month and providing for the manner of the return of such contributions, to an act known as House Bill 131 of the 1936-1937 Extra Session of the Legislature of Alabama, approved January 26, 1937, and printed on Pages 20 to 26, inclusive, of the General Acts of said Extra Session, the title of which act is as follows: "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers".

Was taken up.

Mr. Smyer offered the following substitute for the bill, H. 714:

A BILL

To be entitled An Act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such City governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers.

Be it Enacted by the Legislature of Alabama:

SECTION I. DEFINITIONS. In this act words used in the masculine gender include the feminine and neuter genders, and words used in the neuter include the masculine and feminine genders. The following words, terms and phrases wherever used in this act shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning: "City or "Such City", a city of the population class of one hundred thousand inhabitants or more according to the last or any subsequent Federal Census. "Employee", a person, not including officers elected by

the people, who is regularly employed by such city either through the principal governing body of such city or through a subsidiary board or agency of such city, and whose salary is paid in whole or in part from the public funds of such city. "President of the Commission", the president of the governing body of such city, or the officer of such city whose duties are those of chief executive of such city. "Comptroller", the employee of such city whose duties are those of treasurer or chief financial employee. "Board", the Board of Managers created by this act.

SECTION II. TO WHOM APPLICABLE. This act shall apply to all employees of each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census, who at or subsequent to the effective date of this act are governed under civil service rules and regulations, This act shall also apply to such other employees of such city not governed under civil service rules and regulations as may elect to come under its provisions in the following manner: The employees of a city library board or a city board of health, or other such group of city employees may, by a majority vote of such group, elect to come under the provisions of this act, provided the head of such board or group shall in writing, within fifteen days from the effective date of this act certify to the city comptroller the action of such board or group. Any individual employee of such city, except elective officers, may likewise within fifteen days from the effective date of this act file with the city comptroller a written statement that he desires to come under the provisions of this act. Thereafter such groups or individuals, as have elected to come under the provisions of this act, shall remain subject to the provisions of this act, except that any individual subject hereto may at any time hereafter by verified declaration filed with the Board elect to withdraw from the provisions hereof and upon his withdrawal he shall be repaid from the fund created hereby the sums deducted from his salary and paid into such fund, without interest, less any amounts paid him for disability relief or any other benefits. This act shall also apply to the widows of employees who are affected by this act as herein after limited. This act shall not apply to unskilled day laborers of such city nor any members of the police or fire departments of such city who were employed by such city prior to the date of the enactment hereof. For the purposes of of this act no person subject hereto shall be treated as receiving a salary from such city in excess of three hundred dollars per month and no deductions from that part of his salary in excess of three hundred dollars per month shall be required to be paid into the Fund; no matching by the city for such excess shall be paid into the fund and no relief or benefits computed or paid hereunder based upon any compensation in excess of such rate of pay. If any per-

son subject hereto has heretofore had deducted and paid into such fund any levy deduction or contribution on that part of his compensation in excess of three hundred dollars per month, such excess deductions, without interest, shall now forthwith be returned to him provided he shall not have heretofore retired or received disability benefits equal to or greater than such refund hereunder.

SECTION III. PENSION AND RELIEF FUND. There is hereby created and established in and for each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for the benefit of the employees of such city coming under the provisions of this act and for the benefit of the widows of such employees. From the effective date of this act six per cent (6%) of the salary of every employee affected by this act shall be deducted from the payroll each month by the Comptroller of such city and paid into said Pension and Relief Fund. An equivalent amount shall be paid into said Fund each month from the general fund of such city. The comptroller of such city shall be the custodian of said Fund, and he is required to keep said Fund in a separate account and to keep a full and complete record of the amount of contributions or deductions made from the salary of each employee and also the amount of contributions or appropriations made by the city. Said record shall be open to inspection at all reasonable business hours. The custodian of said Fund shall before taking possession of said Fund execute and deliver to the Board of Managers, hereinafter created, and keep in force and effect a bond in an amount equal to the total amount of moneys and securities in his possession, but in no case in excess of fifty thousand dollars, payable to said Board of Managers of such city, and conditioned upon the custodian of said Fund accounting to said Board for all funds and securities coming into his possession as such custodian. The premium of said bond, and all the necessary expenses of said Board, shall be paid out of said Pension and Relief Fund upon order of said Board. The custodian of said Fund shall receive no compensation or salary as such custodian, except that the Board of Managers may select a banking institution located in such city as such custodian and pay it such fees for its services as the Board may deem reasonable and proper and may, if it sees fit, waive bond of such institution as custodian so long as the net worth of same exceeds one and one-half times the total value of the Fund as part thereof entrusted to such institution. Said Board of managers is authorized to accept and receive gifts, donations legacies or other contributions for said fund and to administer same as a part of said fund or as may be directed by the donors, as providing benefits over and above those provided by this act.

SECTION 4. BOARD OF MANAGERS. There is hereby created a Board of Managers for the management and distribution of said Pension and Relief Fund, said Board to consist of three members: the president of the commission of such city, who shall be chairman of the Board of Managers, and two associate members, designated as "member number one" and "Member number two." "Member number one" shall within thirty days from the effective date of this act be appointed by the personnel board or civil service board having jurisdiction in such city, if there be such a board, otherwise said member shall be so appointed by the governing body of such city, and such member shall be appointed for a term of two years from the effective date of this act. At the expiration of his term and every four years thereafter "member number one" shall be appointed by said authority for a term of four years. Within thirty days from the effective date of this act "member number two" shall be appointed from the employees of such city by a majority of the following named employees of such city, or the employees of such city whose duties correspond most nearly thereto, to-wit: superintendent of city parks, city health officer, superintendent of city streets, director of public libraries, city engineer, city attorney, city comptroller, senior judge of the Recorder's Court, and chairman of the zoning board. Said "member number two" shall be appointed for a term of four years from the effective date of this act. At the expiration of his first term, and every four years thereafter, "member number two" shall be appointed by said last named authority for a term of four years. Each of the associate members of said Board of Managers shall be a bona fide resident and a qualified voter of such city. Said Board of Managers shall meet at least once a month at the City hall of such city on the first Thursday in each month, and at such other times as the chairman of said Board shall call a special meeting. The Personnel Director of the Personnel Board of any city wide civil service system, if there be one in such city, otherwise the city clerk of such city shall be secretary of said Board and shall be present at every meeting of said Board, and keep a record of all proceedings of said Board and of all orders and decisions of said Board. The secretary of said Board and no member of said Board shall receive any salary or compensation for his services except "member number one", who shall receive ten dollars for each meeting, provided such member shall not be paid for more than two meetings in any calendar month. Two members of said Board shall constitute a quorum for the transaction of any and all business of said Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. Said Board is empowered to make reasonable rules and regulations for the conduct of its business not inconsistent with the provisions of

this act. Said Board shall have entire management of the Pension and Relief Fund created by this act, and shall direct the investment of moneys of said Fund not needed to meet the disbursements provided for in this act in bonds of the United States Government, the State of Alabama and the city for which said Board of Managers is serving; said Board shall receive, investigate and pass upon all applications for pensions and relief under this act, and its decision upon all matters of fact shall be final. Said Board is authorized to borrow money upon to the par value of securities held by it, and to pledge said securities for the payment of the money borrowed. No money shall be invested, paid out or disbursed to any one by the custodian of said Pension and Relief Fund except pursuant to order of said Board of Managers. Any member of said Board may be removed by impeachment for corruption, malfeasance or misfeasance in office or habitual neglect of duty. In case there is a vacancy on said Board such vacancy shall be filled by the authority hereinbefore empowered to appoint.

SECTION 5. DISABILITY RELIEF. Any employee of such city after having served for five consecutive years of more, who shall become totally disabled, either physically or mentally, to perform his customary duties shall, after the continuance of such disability for sixty consecutive days, be paid monthly from the Pension and Relief Fund during the further continuance of such total disability an amount equal to forty per cent (40%) of the monthly salary of such employee at the time of the commencement of such disability. The disability relief herein provided for shall be paid by the custodian of said Fund upon the order of the Board of managers after application has been made to said Board by the employee or some one on his behalf, and after satisfactory proof has been made to the Board by a certificate from at least one licensed practicing physician in such city of such total disability. The Board shall have the power in its discretion to require the certificate of more than one such physician and such further proof as it may deem necessary. The Board may from time to time require additional certificates and other proof to determine whether such disability still exists.

SECTION 6. RETIREMENT. Upon, or at any time after the effective date of this act, any employee of such city who shall have reached the age of sixty years, and who shall have been in the service of such city for fifteen consecutive years or more, or for twenty-five years or more, the last five of which being consecutive, shall be entitled to voluntarily retire from the service and be paid a pension upon the terms and conditions hereinafter set out, and if such person after having become entitled to voluntarily retire, hereunder, shall be separated from the service of such city, voluntarily or involuntarily, he shall be entitled to a pension from

said Fund to be computed upon the following basis: Forty per cent (40%) of the average monthly salary of such employee for the last five years preceeding retirement, plus one-half per cent ($\frac{1}{2}\%$) for each year he has been in service of such city after September first, 1937; provided, no pension shall exceed the following schedule: In case said average monthly salary is two hundred dollars or less, the monthly pension shall not exceed fifty per cent (50%) of such monthly salary; where such average monthly salary is over two hundred dollars or not over three hundred dollars, the monthly pension shall not exceed forty-five per cent (45%) of such monthly salary; Any employee who on or after the effective date of this act shall have been in the service of such city for twenty consecutive years or more, or for twenty-five years, the last five of which being consecutive, and who is involuntarily separated from the service of such city through no fault of his own involving moral turpitude, shall be entitled to a pension as herein provided, notwithstanding he may not have reached the age of sixty years; provided the Personnel Board or other agency governing tenure of service of employees of such city shall certify that such employee has not contributed by his own conduct to his separation from the city's service. Any employee who on or after the effective date of this act shall have been in the service of such city for thirty-five consecutive years or more shall, regardless of his age, be entitled voluntarily to retire from the service of such city and receive a pension as herein provided. No pension shall commence until the expiration of two years after September first, 1939, even though the applicant therefor may have become entitled thereto prior to such date. Pensions shall be paid monthly during the life of the employee. Upon the death of any employee who is receiving a pension or who is entitled voluntarily to retire or who is entitled to a pension under the provisions of this act, the widow of such employee shall during her life and so long as she remains unmarried be entitled to a monthly pension of fifty per cent (50%) of the pension which her husband was receiving or to which he was entitled at the time of his death; provided such widow was the lawful wife of such employee for fifteen years prior to the time of his separation from the service of such city. In the event any one is separated from the service of such city within two years after the effective date of this act, and who is entitled to a pension under any one of the foregoing provisions, there shall be deducted in equal installments from his monthly pension the aggregate amount that would have been deducted from his salary had he remained in the service of such city, at the salary he was last receiving, to the end of said two year period. Any benefits payable hereunder shall be reduced by the amount, if any, which the beneficiary shall receive from any public employment.

SECTION 7. RETURN OF CONTRIBUTIONS. Should any employee voluntarily retire from the service of such city or be discharged because of some fault of his own before becoming eligible for a pension hereunder there shall be refunded to him the full amount of the deductions from his salary paid into said Fund, without interest, less one-half of disability benefits paid to him under this act. Should any employee be involuntarily retired through no fault of his own involving moral turpitude, or die before becoming eligible for a pension the full amount of his contribution to said Fund, without interest, less one-half of disability benefits paid to him under this act, shall be returned to such employee or to his legal representative. The return of the contribution to said Fund herein provided for shall be made on order of the Board after satisfactory proof of the amount of such contribution has been made to the Board.

SECTION 8. APPRAISAL OF FUND. At the end of each year from the effective date of this act the Board shall cause to be made an appraisal of the plan set up in this act, the funds on hand, and the liabilities of said Fund, both accrued and contingent. Whenever such appraisal shall show that the three per cent (3%) contribution from the salaries of the employees, plus the equivalent amount contributed by such city under the requirements of this act, plus all other revenues in said Fund, provide more or less funds than are necessary to meet the liabilities of said Fund under this act, then the contribution of the employees from their salaries and the contribution of the city shall be equally reduced or increased, as the case may be, to such amount as will in the sound judgment of the Board keep and maintain said Fund on a sound actuarial basis, provided said contributions shall not be increased above six per cent (6%).

SECTION 9. EXEMPTION FROM TAXATION. No portion of said Pension and Relief Fund whether in cash or securities either before or after its distribution shall be subject to any state or municipal tax, nor shall the same be seized or held or in anywise subject to garnishment or levy of execution or attachment issued out of any court of this state or any other state, nor shall the same be assigned. Neither the firing, payment of benefits to nor retirement of any person nor any act of the Board of Managers or the City governing body shall give rise to any contractual or vested rights hereunder; but the Legislature reserves full power and right to amend or repeal any and every separate provision hereof.

SECTION 10. SEVERABILITY. Each section of this act, and every part of each section, are declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void for any cause shall not affect the other sections or parts thereof; and it is now declared that the other sections or

parts of sections whold have been enacted regardless of any section or parts of sections which might be held void.

SECTION 11. LENDING CLAUSE. The Board of Managers shall have the right to lend any member of such Pension and Relief fund such amounts of money not to exceed fifty (50%) of the total deductions from the salary or wages of such member which has been credited to him since the effective date of this Act, the Board of Managers shall make such rules and regulations regarding such loans as is in their discretion, to the best interests of such fund, and interest shall be charged at the rate of six (.06%) per annum. Should any employee member owing the fund any borrowed money, discontinue his services from the City, the Board shall have the right to apply any funds to his credit in the fund to the payment of the loan of such employee.

SECTION 12. REPEALING CLAUSE. All laws or parts of laws inconsistent with or in conflict with this act are hereby expressly repealed.

SECTION 13. EFFECTIVE DATE. This act shall become effective upon the approval of the Governor.

And the substitute offered by Mr. Snyder for the bill, H. 714, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Graves	Lovelace	Sessions
Bagley	Green	Martin	Sherrer
Ball	Gwin	McGowin	Sightler
Barchard	Hall	Nation	Smyer
Barnes	Hardwick	Neighbors	Snyder
Beck	Hare	Newman	Spence
Booth	Haynes	Pitts	Stone
Boswell	Henson	Pool	Taylor
Branyon	Hill	Quarles	Waller
Christopher	Hodo	Robertson (Cullman)	Welch
Clayton	Jenkins	Robinson (Lowndes)	Weston
Dearman	Jones	Robinson (St. Clair)	Whigham
Delony	Kaul	Sadler	White
Devers	Langan	Sanderson	Wood
Ellis	Langley	Scott	Wright
Golson	Locke	Segrest	Young
Graham			

—65

And said bill:

H. 714. To amend Section 3 by increasing the employee contributions provided for therein from three percentum (3%) to six percentum (6%) of the monthly salary of such employee, and by limiting the contribution of such employee and such city, respectively, to a maximum of twelve dollars (\$12.00) per month; to amend Section 4 by altering the membership of the Board of Man-

agers, said members to be selected and designated in the manner provided, and by providing for a quorum of said Board and setting the minimum number of votes required to transact the business of said Board; to amend Section 5 by limiting disability benefits payable to a maximum of one hundred dollars (\$100.00) per month; to amend Section 6 by limiting retirement benefits to a maximum of one hundred dollars (\$100.00) per month; to amend Section 7 by dispensing with interest payable on contributions returned to members or beneficiaries who are, respectively, involuntarily retired through no fault of their own involving moral turpitude or who die before becoming eligible for a pension, or who elect not to become subject to the provisions of this act as amended, and dispensing with any further reductions from the said returned contributions; to amend Section 8 by providing for an appraisal of the Pension and Relief Fund at the end of each three-year period, and dispensing with any other or further appraisals or modifications of the pension or contribution schedules; and to add another section to be designated Section 7½, providing for a refund of the contributions of any employee where such contributions have exceeded the sum of twelve dollars (\$12.00) per month and providing for the manner of the return of such contributions, to an act known as House Bill 131 of the 1936-1937 Extra Session of the Legislature of Alabama, approved January 26, 1937, and printed on Pages 20 to 26, inclusive, of the General Acts of said Extra Session, the title of which act is as follows: "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers".

As amended by the substitute offered by Mr. Snyder, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Brown (Covington)	Cope	Gwin
Allen	Brown (Lee)	Davis (Madison)	Hall
Austin	Carwile	Dobbs	Hardwick
Bagley	Christopher	Dominick	Hare
Beck	Clayton	Doster	Haynes
Booth	Cobb	Ellis	Henson
Boswell	Collier	Flowers	Hill
Branyon	Cook	Garrett	Hodo

Kaul	McDanal	Peacock	Thomas
Lovelace	Nation	Sessions	Tidmore
Martin	Neighbors	Smyer	Toomer
Mathews (Clarke)	Newman	Snyder	Tucker
Matthews (Jackson)	Norman (Bullock)	Spence	Waller
Mayhall	Norman (Lowndes)	Stallings	Welch
Meggison	Owens	Stone	Weston
Miller	Payne	Taylor	Wright
McCord			

—65

On motion of Mr. Snyder the bill, H. 714, was ordered sent forthwith to the Senate without engrossment.

S. 217. To provide supernumerary judges for courts of record, to prescribe their tenure, duties, powers, fix their compensation, and the method of payment.

Was taken up.

Mr. Mathews of Clarke offered the following amendment to the bill, S. 217:

AMENDMENT TO S. 217

Amend S. B. #217, Section III by striking out the figures "\$5000.00" and substituting therefor the figures "\$3600.00"

And the amendment offered by Mr. Mathews of Clarke to the bill, S. 217, was lost.

Yeas, 41; Nays, 41.

Yeas:

Messrs.:	Doster	Matthews (Jackson)	Scott
Austin	Ellis	Meggison	Sessions
Bagley	Golson	Nation	Sherrer
Barchard	Hall	Neighbors	Stallings
Barnes	Hardwick	Newman	Tidmore
Brown (Covington)	Henson	Norman (Bullock)	Walden
Castleberry	Hodo	Norman (Lowndes)	Waller
Chewning	Kaul	Owens	Weston
Christopher	Langley	Quarles	Whigham
Collier	Locke	Robinson (Lowndes)	Wood
Dobbs	Mathews (Clarke)		

—41

Nays:

Mr. Speaker	Gewin	McGowin	Sightler
Allen	Green	Payne	Smyer
Ball	Gwin	Peacock	Spence
Branyon	Haynes	Pitts	Stone
Cook	Hill	Pool	Taylor
Cope	Jones	Robertson (Cullman)	Thomas
Davis (Madison)	Lovelace	Robinson (St. Clair)	Tucker
Dearman	Mayhall	Sadler	Waldrop
Delony	Miller	Sanderson	Welch
Dominick	McCord	Segrest	White
Flowers			

—41

Mr. Sherrer offered the following amendment to the bill, S. 217:
Amend Section 1 of Senate Bill 217 by striking therefrom the words seventy years and replacing therein the words ninety-nine years.

On motion of Mr. Robinson of St. Clair, the amendment offered by Mr. Sherrer to the bill, S. 217, was tabled.

Mr. Mathews of Clarke offered the following amendment to the bill, S. 217:

Amend S. B. 217 by striking out \$5000 and inserting \$4000.

And the amendment offered by Mr. Mathews of Clarke to the Bill, S. 217, was adopted.

Yeas, 48; Nays, 40.

Yeas:

Messrs.:	Delony	Locke	Quarles
Austin	Dobbs	Mathews (Clarke)	Robinson (Lowndes)
Bagley	Doster	Matthews (Jackson)	Scott
Ball	Golson	Meggins	Sessions
Barchard	Green	Nation	Sherrer
Barnes	Hall	Neighbors	Stallings
Brown (Covington)	Hardwick	Newman	Tidmore
Carwile	Henson	Norman (Bullock)	Walden
Castleberry	Hodo	Norman (Lowndes)	Waller
Chewning	Kaul	Owens	Weston
Christopher	Langan	Peacock	Whigham
Collier	Langley	Petrey	Wood
Cook			

—48

Nays:

Mr. Speaker	Gwin	McGowin	Smyer
Allen	Hare	Payne	Spence
Branyon	Haynes	Pitts	Stone
Cope	Hill	Pool	Taylor
Davis (Madison)	Jones	Robertson (Cullman)	Thomas
Dearman	Lovelace	Robinson (St. Clair)	Tucker
Dominick	Martin	Sadler	Waldrop
Flowers	Mavhall	Sanderson	Welch
Garrett	Miller	Segrest	White
Gewin	McCord	Sightler	Young

—40

Mr. Sherrer moved to indefinitely postpone the bill, S. 217.
And the motion by Mr. Sherrer was lost.

Yeas, 44; Nays, 44.

Yeas:

Messrs.:	Carwile	Ellis	Langley
Austin	Christopher	Garrett	Locke
Bagley	Collier	Hall	Martin
Ball	Delony	Henson	Mathews (Clarke)
Barnes	Dobbs	Hodo	Mathews (Jackson)
Brown (Covington)	Doster	Kaul	Neighbors

Newman	Quarles	Stallings	Waller
Norman (Bullock)	Robinson (Lowndes)	Tidmore	Weston
Norman (Lowndes)	Scott	Toomer	Whigham
Owens	Sessions	Walden	Wood
Peacock	Sherrer	Waldrop	Young
Petrey			

—44

<i>Nays:</i>			
Mr. Speaker	Gewin	Mayhall	Segrest
Allen	Golson	Miller	Sightler
Branyon	Green	McCord	Smyer
Castleberry	Gwin	McGowin	Spence
Chewning	Hardwick	Payne	Stone
Cook	Hare	Pitts	Taylor
Cope	Haynes	Pool	Thomas
Davis (Madison)	Hill	Robertson (Cullman)	Tucker
Dearman	Jones	Robinson (St. Clair)	Wallace
Dominick	Locke	Sadler	Welch
Flowers	Lovelace	Sanderson	White

—44

And said bill:

S. 217. To provide supernumerary judges for courts of record, to prescribe their tenure, duties, powers, fix their compensation, and the method of payment.

As amended, was read a third time at length and passed.

Yeas, 43; Nays, 42.

<i>Yeas:</i>			
Mr. Speaker	Gewin	Miller	Sightler
Allen	Golson	McCord	Smyer
Branyon	Gwin	McGowin	Spence
Castleberry	Hardwick	Payne	Stone
Chewning	Hare	Pitts	Taylor
Cook	Haynes	Pool	Thomas
Cope	Hill	Robertson (Cullman)	Tucker
Davis (Madison)	Jones	Robinson (St. Clair)	Wallace
Dearman	Lovelace	Sadler	Welch
Dominick	Mayhall	Sanderson	White
Flowers	Meggins	Segrest	

—43

<i>Nays:</i>			
Messrs.:	Doster	Newman	Stallings
Austin	Ellis	Norman (Bullock)	Tidmore
Bagley	Garrett	Norman (Lowndes)	Toomer
Ball	Hall	Owens	Walden
Barnes	Henson	Peacock	Waldrop
Brown (Covington)	Hodo	Petrey	Waller
Carwile	Kaul	Quarles	Weston
Christopher	Langley	Robinson (Lowndes)	Whigham
Collier	Locke	Scott	Wood
Delony	Mathews (Clarke)	Sessions	Young
Dobbs	Matthews (Jackson)	Sherrer	

—42

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

Was taken up.

Messrs. Mayhall and McCord offered the following amendment to the bill, S. 369:

Amend Senate Bill No. 369 by adding thereto the following new Section 19½:

By Mr. Mayhall and Mr. McCord:

"SECTION 19½. Provided, further however, that there is hereby appropriated out of the general funds of the State of Alabama, the sum of \$25,000.00 a year for each of the calendar years 1940, 1941, 1942, and 1943, which said sum is to be used exclusively for the purpose of providing in the several counties without matching by the counties of the State old age assistance, to be divided among the several counties according to population, and none of said funds shall be used for any other purpose whatsoever."

Mr. Gewin offered the following amendment to the amendment offered by Messrs. Mayhall and McCord to the bill, S. 369:

Amend Amendment by Messrs. Mayhall and McCord to Senate Bill No. 369 by substituting therefor the following new Section 19½ so that same shall read as follows:

"SECTION 19½. Provided, further however, that there is hereby appropriated out of the general funds of the State of Alabama, the sum of \$25,000.00 a year for each of the calendar years 1940, 1941, 1942, and 1943, which said sum is to be used exclusively for the purpose of providing in the several counties without contribution by counties, of the State old age assistance, as now provided by law, and none of said funds shall be used for any other purpose whatsoever."

And the amendment offered by Mr. Gewin to the amendment offered by Messrs. Mayhall and McCord to the bill, S. 369, was adopted.

And the amendment offered by Messrs. Mayhall and McCord to the bill, S. 369, as amended by the amendment offered by Mr. Gewin, was adopted.

Yeas, 73; Nays, 0.

Yeas:

Messrs.:	Ellis	Miller	Sessions
Allen	Flowers	McCord	Sightler
Austin	Garrett	Nation	Smyer
Bagley	Gewin	Neighbors	Spence
Ball	Golson	Newman	Stallings
Barnes	Graham	Norman (Bullock)	Stone
Branyon	Green	Norman (Lowndes)	Taylor
Brown (Covington)	Gwin	Owens	Thomas
Carwile	Hall	Payne	Tidmore
Castleberry	Henson	Peacock	Toomer
Chewning	Hill	Petrey	Waldrop
Christopher	Hodo	Pitts	Wallace
Cook	Langan	Pool	Welch
Davis (Madison)	Locke	Robertson (Cullman)	Weston
Dearman	Lovelace	Robinson (St. Clair)	Whigham
Delony	Martin	Sadler	White
Dobbs	Mathews (Clarke)	Scott	Wood
Dominick	Mathews (Jackson)	Segrest	Young
Doster	Mayhall		

—73

And said bill:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

As amended, was read a third time at length and passed.

Yeas, 81; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Mayhall	Scott
Allen	Gewin	Megginson	Segrest
Austin	Golson	Miller	Sessions
Ball	Graham	McCord	Sightler
Barchard	Green	McGowin	Smyer
Barnes	Gwin	Nation	Spence
Branyon	Hall	Neighbors	Stallings
Brown (Covington)	Hardwick	Newman	Stone
Carwile	Henson	Norman (Bullock)	Taylor
Castleberry	Hill	Norman (Lowndes)	Thomas
Chewning	Hodo	Owens	Tidmore
Collier	Jones	Payne	Toomer
Cook	Kaul	Peacock	Walden
Cope	Langan	Petrey	Waldrop
Davis (Madison)	Langley	Pitts	Wallace
Delony	Locke	Pool	Welch
Dobbs	Lovelace	Robertson (Cullman)	Whigham
Dominick	Martin	Robinson (St. Clair)	White
Doster	Mathews (Clarke)	Sadler	Wood
Ellis	Matthews (Jackson)	Sanderson	Young
Flowers			

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REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; To fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Stakely:

S. 485. To authorize and empower the Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any County purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "contingent Fund".

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama during the 1939 Session thereof, which bill is in substance as follows:

A BILL TO BE ENTITLED AN ACT

To authorize and empower the Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any County purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama, are hereby authorized and empowered to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any county purposes not otherwise provided for by law that in their judgement are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Section 2. That \$1,200.000 of the funds herein appropriated per annum shall be paid over to the representative of the State Tax Commission having charge of the equalization and adjustment of taxes on property situated in Montgomery County, for ex-officio services and expenses of maintaining his office in said county. Said \$1,200.00 per annum to be paid over to the said representative of the State Tax Commission in monthly installments and disbursed by him.

Section 3. That \$900.00 per annum of the funds herein appropriated may, in the discretion of the Board of Revenue of Montgomery County, Alabama, be paid over to the Circuit Solicitor in Montgomery County in monthly installments and disbursed by him. Said amount to be used by the Circuit

Solicitor in defraying any and all expenses incidental to the proper conduct of his office, including extra clerical help and stenographic help, and for ex-officio services of said Circuit Solicitor in attending the juvenile and Domestic Relations Court and for the performance of such other duties as are not now provided by law.

Section 4. That, under the provisions of Section 1 not more than seven thousand dollars shall be appropriated and expended in any one year and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of \$7,000.00.

Section 5. That all laws and parts of laws, local, general or special, in conflict with the provisions of this act be and the same are hereby repealed.

Section 6. That this act shall take effect immediately upon his approval by the governor.

STATE OF ALABAMA,
MONTGOMERY COUNTY.

Before me, Cyrus B. Brown, a Notary Public in and for said County and State, this day personally appeared Frank Nunnelee who is known to me and who being by me first duly sworn, deposes and says that he is Editor and Proprietor of The Montgomery Weekly a Newspaper published in the City and County of Montgomery, Alabama and that the notice, a copy of which is hereto attached was published in said newspaper once a week for four consecutive weeks on August 4th, August 10th, August 17th and August 24th, 1939 without cost to the State of Alabama.

FRANK NUNNELEE,

Editor and Proprietor of The Montgomery Weekly.

Sworn to and subscribed before me, this the 29th day of August, 1939.

CYRUS B. BROWN,

Notary Public.

Also:

By Mr. Guy:

S. 482. For the relief of Robert L. Goldsmith.

With notice and proof thereto attached and herewith exhibited as follows:

Notice

Is hereby given of the intention to apply to the Legislature of Alabama for the passage of a law for the relief of R. L. Goldsmith which proposed law is substantially as follows:

A BILL

To Be Entitled

AN ACT

For the relief of Robert L. Goldsmith.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA.

Section 1. The Board of Revenue of Lowndes County, Alabama be and is hereby authorized to pay to Robert L. Goldsmith a sum of money not in excess of Three Hundred and Fifty (\$350) dollars for and on account of

the damage to, and destruction of his Chevrolet Coupe by a road scraping machine operated by said Board of Revenue on the public roads of said Lowndes County.

Section 2. The amount to be paid is to be fixed by said Board of Revenue after it ascertains the actual money damage to said Chevrolet Coupe but in no event to exceed the sum of Three Hundred and Fifty dollars.

R. L. GOLDSMITH.

STATE OF ALABAMA,
COUNTY OF LOWNDES.

Before me, S. V. Nutt, a Notary Public, in and for Said State and County, personally appeared Charlie May Small, Editor of the Lowndes Signal, who being duly sworn, deposes and says that the attached legal notice was published in the Lowndes Signal, a weekly newspaper, in said County for four consecutive issues.

Sworn to and subscribed before me, this the 23rd day of Aug. 1939.

S. V. NUTT,
Notary Public.
(Seal)

CHARLIE MAY SMALL,
Editor.

Also:

By Mr. McCall:

S. 486. To require the payment of Medical, Hospital and Doctor's bills upon the payment, settlement, or compromise in Mobile County, Alabama, of claims or judgments for damages for personal injuries, when such Medical, Hospital, or Doctor's Bills are incurred in connection with the treatment or cure of such personal injuries and the amount thereof is included in the amount of such payment, settlement or compromise, and written itemized bills therefor are presented, prior to such payment, settlement or compromise, to the party against whom recovery is sought, and to fix the liability therefor of parties paying, settling or compromising such claims or judgments.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows:

AN ACT

Entitled an Act to Require the Payment of Medical, Hospital and Doctor's bills upon the payment, settlement, or Compromise in Mobile County, Alabama, of Claims or Judgments for Damages for Personal Injuries, when such Medical, Hospital, or Doctor's Bills are Incurred in Connection With the Treatment or Cure of Such Personal Injuries and the Amount Thereof Is Included in the Amount of Such Payment, Settle-

ment or Compromise, and Written Itemized Bills therefor are presented, Prior to Such Payment, settlement or compromise, to the Party Against Whom Recovery Is Sought, and to Fix the Liability Therefor of Parties Paying, Settling or Compromising Such Claims or Judgments.

Be it Enacted by the Legislature of Alabama:

Section 1. That, in all cases in which claims or judgments for damages for personal injuries are paid, settled, or compromised in Mobile County, Alabama, and the parties to such payment, settlement or compromise include in the amount of such payment, settlement or compromise the amount of medical, hospital or doctor's bills incurred in connection with the treatment or cure of such personal injuries, the party making such payment or paying the amount agreed upon in such settlement or compromise, is hereby authorized, and it shall be the duty of such party, to deduct therefrom and pay to the parties to whom such medical, hospital, or doctor's bills are due, the amount thereof.

Section 2. That the parties to whom such medical, hospital or doctor's bills are due, shall have a right of action against anyone who fails or refuses to deduct and pay the same, as provided in the preceding section, for the amount thereof, provided, however, that no such right of action shall arise or exist, and there shall be no duty to make such deductions or payment, or liability for not making the same, unless the party seeking to assert the same shall have presented in writing his itemized bill to the party from whom he seeks to recover prior to the completion of such payment, settlement or compromise, and also unless his bill is fair and reasonable.

Section 3. Payment of such bills as are so presented shall operate pro tanto as an acquittance of the party paying same from liability to the extent thereof, as against all persons.

Section 4. Nothing herein contained shall alter or affect any express or implied contractual obligation of the injured person, or of any other person or persons, under the laws or statutes as heretofore in effect, for the payment of such medical, hospital, or doctor's bills, it being the intent hereof to afford an additional remedy to those heretofore existing for the collection of the amount of such bills.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall become effective immediately upon its enactment.

H. N. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, Aug. 7, 14, 21 and 28, 1939.

H. N. CURRAN,

Sworn to and subscribed before me this 28th day of Aug., 1939.

GREG L. KENNY,

(SEAL)

Notary Public.

Also:

By Mr. McCall:

S. 489. Requiring the Board of Commissioners or other like governing body of each municipality in the county of Mobile to provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in each such municipality, without submitting the question

as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and to provide that such voting machines shall thereafter be used in all such municipal elections held in any such municipality, in conformity with and subject to the general law of the State of Alabama regulating the use of voting machines in municipalities in the State of Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows:

AN ACT ENTITLED AN ACT

An act requiring the Board of Commissioners or other like governing body of each municipality in the county of Mobile to provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in each such municipality, without submitting the question as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and to provide that such voting machines shall thereafter be used in all such municipal elections held in any such municipality, in conformity with and subject to the general law of the State of Alabama regulating the use of voting machines in municipalities in the State of Alabama.

BE IT ENACTED by the Legislature of the State of Alabama as follows:

Section 1. The Board of Commissioners or other like governing body of each municipality in the County of Mobile, Alabama, is hereby required, within sixty (60) days after the passage and approval of this act, to provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in any such municipality, without submitting the question as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and thereafter such voting machines shall be used in all such municipal elections—general, special, or primary—held in any such municipality, in conformity with and subject to the general law of the State of Alabama regulating the use of voting machines by municipalities in the State of Alabama.

Section 2. This act shall be in force and effect immediately upon its passage and approval by the governor.

H. N. Curran being sworn, says that he is auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City

and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register, Aug. 5, 12, 19 & 26 1939

H. N. CURRAN

Sworn to and subscribed before me this 26th day of Aug. 1939

ALETTA MOLPUS

(Seal)

Notary Public.

Also:

By Mr. Booth:

S. 477. To fix the compensation of the Deputy Solicitor in all Counties of this State which now have or which may hereafter have a population of 50,000 or more according to the last or any subsequent Federal Census and while such Counties are embraced in Judicial Circuits having more than one County; except in all Counties where the salary or compensation of the Deputy Solicitor or County Solicitor is fixed by a local act.

Also:

By Messrs: McCall and Simpson:

S. 492. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for

the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this Act," approved August 25, 1939.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation No. 1: S. 485; S. 482; S. 486; S. 489; S. 477;
Privileges and Elections, S. 492.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. McCall:

S. 488. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at the General Election to be held in November, 1940, an Amendment to the Constitution of Alabama so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, alter and regulate the fees, commissions, allowances and salary, including the method or basis of the compensation to be charged or allowed to the Sheriff of Mobile County, Alabama, and to provide the method and basis of the compensation of such Sheriff of Mobile County; and whereby all Acts of the Regular Session of the Alabama Legislature of 1939 and 1939-1940, heretofore or hereafter passed and applicable to or purporting to be applicable to such County, and fixing or purport-

ing to fix the compensation of said Sheriff of Mobile County on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section I. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama for their consideration as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed".

Section II. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least eight successive weeks next preceding the date of the election on the Amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed Amendment.

Section III. That the General Elections to be held in Alabama in November, 1940, the proposed Amendment shall be submitted to the qualified voters of the State of Alabama. Upon the ballots used at said election shall be printed the following, by: "Shall the following be adopted as an amendment to the Constitution of Alabama?" The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed."

Yes..... No..... The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her choice.

Section IV. The Election Officers at such election shall provide a balloting place for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. At the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall appear thereupon that a majority of the qualified electors who voted upon the proposed amendment voted, in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

J. E. Speight,
Secretary.

The above and foregoing bill, S. 488, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

BILLS ON THIRD READING

(With amendment):

H. 816. To Amend Section 63 of the Alabama Highway Code, approved August 23, 1927.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Public Roads and Highways, said committee amendment being as follows:

COMMITTEE AMENDMENT

Amending House Bill No. 816:

By Adding to Sec (C) that signals 1. 2. & 3. shall appear on back of Divers License:

And by adding to Signal No. 1 that said signal shall be given not less than sixty feet from center of intersection where turn is to be made.

And the amendment reported by the Standing Committee on Public Roads and Highways was adopted.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Mayhall	Sessions
Allen	Flowers	Megginson	Sightler
Austin	Garrett	Miller	Smyer
Ball	Gewin	McCord	Stone
Barnes	Golson	Neighbors	Taylor
Brown (Covington)	Green	Newman	Thomas
Carwile	Hall	Payne	Walden
Chewning	Hardwick	Peacock	Waldrop
Cook	Haynes	Petrey	Wallace
Cope	Hodo	Pitts	Welch
Davis (Madison)	Langan	Pool	Weston
Dearman	Langley	Robinson (St. Clair)	Wood
Delony	Lovelace	Sanderson	Young
Dobbs	Martin	Segrest	

—55

And said bill:

H. 816. To Amend Section 63 of the Alabama Highway Code, approved August 23, 1927.

As amended by the amendment reported by the Standing Committee on Public Roads and Highways, was read a third time at length and passed.

Yeas, 54; Nays, 1.

Yeas:

Mr. Speaker	Delony	Martin	Pitts
Allen	Dobbs	Matthews (Jackson)	Pool
Bagley	Dominick	Mayhall	Robertson (Cullman)
Ball	Flowers	Miller	Sanderson
Barchard	Gewin	McCord	Scott
Barnes	Golson	Nation	Segrest
Brown (Covington)	Green	Neighbors	Sessions
Carwile	Gwin	Newman	Sightler
Castleberry	Hall	Norman (Bullock)	Smyer
Chewning	Hardwick	Owens	Waldrop
Christopher	Haynes	Payne	Wallace
Collier	Hodo	Peacock	Welch
Cook	Langley	Petrey	Wood
Davis (Madison)	Lovelace		

—54

Nay: Mr. Dearman

— 1

On motion of Mr. Hodo the bill, H. 816, was ordered sent forthwith to the Senate without engrossment.

H. 874. To authorize municipalities in the State of Alabama to create and establish Municipal Electric Utility Boards; to provide for its membership; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing

from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of such municipality by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linement, repairmen and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Municipal Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant where the amount to be expended is more than \$1,000, the expenditure must be approved by the governing body of such municipality; to provide for an annual audit; and to provide for reports of the Board to the governing body of such municipality.

Was taken up.

Mr. Davis of Madison offered the following amendment to the bill, H. 874:

To AMEND Section 1 of H. B. 874 so as to read as follows:

Section 1. Creation of Municipal Electric Utility Boards. Any municipality in the State of Alabama is hereby authorized within its discretion to create and establish, by ordinance, a municipal Electric Utility Board for such municipality, to be composed of three members.

And the amendment offered by Mr. Davis of Madison to the bill, H. 874, was adopted.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Cook	Hall	Meggins
Allen	Cope	Hardwick	Miller
Bagley	Davis (Madison)	Hodo	McCord
Ball	Dearman	Jones	Nation
Barnes	Dobbs	Kaul	Neighbors
Brown (Covington)	Dominick	Langley	Newman
Carwile	Flowers	Lovelace	Norman (Bullock)
Castleberry	Garrett	Martin	Owens
Chewning	Gewin	Matthews (Jackson)	Payne
Christopher	Golson	Mayhall	Peacock

Petrey
Pitts
Robertson (Cullman)
Sanderson

Scott
Segrest
Sessions
Sightler

Smyer
Taylor
Thomas
Waldrop

Wallace
Welch
Wood
Young

—56

And said bill:

H. 874. To authorize municipalities in the State of Alabama to create and establish Municipal Electric Utility Boards; to provide for its membership; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of such municipality by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Municipal Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of the warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant where the amount to be expended is more than \$1,000, the expenditure must be approved by the governing body of such municipality; to provide for an annual audit; and to provide for reports of the Board to the governing body of such municipality.

As amended by the amendment offered by Mr. Davis of Madison, was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker
Allen
Austin
Bagley
Ball
Barchard
Barnes

Carwile
Chewning
Christopher
Cook
Cope
Davis (Madison)
Dearman

Delony
Dominick
Doster
Ellis
Flowers
Golson
Green

Gwin
Hall
Hardwick
Hare
Hodo
Jones
Kau!

Langley	Norman (Bullock)	Segrest	Waldrop
Lovelace	Owens	Sessions	Wallace
Martin	Payne	Sightler	Welch
Miller	Peacock	Smyer	Weston
McCord	Pitts	Stone	Whigham
McDanal	Quarles	Taylor	Wood
McGowin	Robinson (St. Clair)	Thomas	Young
Neighbors	Sadler		

—58

Nay: Mr. Newman

— 1

On motion of Mr. Davis of Madison the bill, H. 874, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 217. To provide supernumerary judges for courts of record, to prescribe their tenure, duties, powers, fix their compensation, and the method of payment.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Mr. Calhoun:

S. J. R. 129. Be it Resolved by the Senate, the House concurring, that Senate Bills Nos. 204 and 294 be known and designated as the Calhoun-Hardwick Bills.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hardwick, the rules were suspended, and the S. J. R. 129, set out in the above and foregoing Message from the Senate, was concurred in and adopted.

BILLS ON THIRD READING

H. 805. To amend Section 2 of an act entitled an act "To prohibit burglary, defining the degrees of burglary and providing for punishment of violators of this act, approved June 6, 1935."

Was read a third time at length and passed.

Yeas, 57; Nays, 1.

Yeas:

Mr. Speaker	Ellis	Megginson	Robertson (Cullman)
Allen	Flowers	Miller	Scott
Austin	Gewin	McCord	Segrest
Bagley	Golson	McDanal	Sessions
Ball	Hall	McGowin	Sightler
Barnes	Hardwick	Neighbors	Smyer
Brown (Covington)	Hare	Newman	Stone
Chewning	Hodo	Norman (Bullock)	Taylor
Christopher	Jones	Owens	Waldrop
Cook	Kaul	Payne	Welch
Cope	Langan	Peacock	Weston
Davis (Madison)	Lovelace	Pitts	Whigham
Dearman	Martin	Pool	Wood
Delony	Mayhall	Quarles	Young
Dominick			—57

Nay: Mr. Robinson (St. Clair)

— 1

On motion of Mr. Davis of Madison the bill, H. 805, was ordered sent forthwith to the Senate without engrossment.

H. 903. To prohibit the making of certain contracts with and certain employment by housing authorities, rural electrification authorities and power districts.

Was read a third time at length and passed.

Yeas, 49; Nays, 7.

Yeas:

Mr. Speaker	Garrett	Martin	Scott
Allen	Golson	Megginson	Segrest
Austin	Graham	Miller	Sessions
Bagley	Gwin	McCord	Smyer
Branyon	Hardwick	McGowin	Stone
Brown (Covington)	Hare	Neighbors	Thomas
Carwile	Hodo	Norman (Bullock)	Waldrop
Christopher	Jones	Payne	Wallace
Cook	Kaul	Pitts	Welch
Davis (Madison)	Langley	Pool	Whigham
Delony	Locke	Robertson (Cullman)	Wood
Dobbs	Lovelace	Sadler	Young
Flowers			—49

*Nays:*Messrs.:
BarnesDearman
DominickEllis
MayhallNewman
Robinson (St. Clair)

— 7

On motion of Mr. Kaul the bill, H. 903, was ordered sent forthwith to the Senate without engrossment.

H. 774. To designate the Joe Wheeler Highway consisting of that part of certain roads located in Alabama.

Was read a third time at length and passed.

Yeas, 59; Nays, 0.

Yeas:

Mr. Speaker

Dobbs

Miller

Segrest

Allen Dominick

McCord

Sessions

Austin

Ellis

McDanal

Sightler

Barnes

Flowers

McGowin

Smyer

Branyon

Garrett

Neighbors

Stone

Brown (Covington) Golson

Norman (Bullock)

Taylor

Carwile

Graham

Payne

Thomas

Castleberry

Gwin

Peacock

Waldrop

Chewning

Hall

Pitts

Wallace

Christopher

Hardwick

Pool

Welch

Cook

Hare

Quarles

Weston

Davis (Madison)

Jones

Robertson (Cullman) Whigham

Davis (Montgomery)

Kaul

Robinson (St. Clair)

Wood

Dearman

Langley

Sadler

Young

Delony

Lovelace

Scott

—59

On motion of Mr. Delony the bill, H. 774, was ordered sent forthwith to the Senate without engrossment.

H. 844. To amend Sections 5 and 29 of An Act of the Legislature of Alabama entitled "An Act To Provide And Regulate And Control Primary Elections For The Nomination By Political Parties of Candidates For Public Office Within The State of Alabama", approved February 25, 1931.

Was read a third time at length and passed.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker

Christopher

Gewin

Martin

Allen

Cook

Graham

Mayhall

Austin

Cope

Gwin

Megginson

Bagley

Davis (Madison)

Hardwick

Miller

Barnes

Dearman

Hare

McCord

Branyon

Delony

Hodo

McDanal

Brown (Covington)

Dobbs

Kaul

McGowin

Carwile

Dominick

Langley

Neighbors

Castleberry

Ellis

Locke

Newman

Chewning

Garrett

Lovelace

Norman (Bullock)

Payne	Sadler	Stone	Welch
Peacock	Scott	Taylor	Weston
Pitts	Segrest	Thomas	Whigham
Pool	Sessions	Waldrop	Wood
Quarles	Sightler	Wallace	Young
Robertson (Cullman)	Smyer		

—62

On motion of Mr. Gwin the bill, H. 844, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment.

By Mr. Simpson:

S. 468. To provide for tenure of Employment for teachers in the public schools.

Also:

By Mr. Carlton:

S. 266. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for permits for such dealers or the conduct of such businesses to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and industries, and to provide penalties for the violation of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Education, S. 468.

Agriculture, S. 266.

BILLS ON THIRD READING

S. 353. To amend Section 3 of an Act entitled "An Act for providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization and aftercare for children who are crippled or who are suffering from conditions which lead to a crippling, and to provide for its administration," approved September 9, 1935.

Was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mayhall	Scott
Allen	Garrett	Miller	Segrest
Austin	Gewin	McDanal	Sessions
Barnes	Golson	McGowin	Sightler
Brown (Covington)	Gwin	Neighbors	Smyer
Carwile	Hardwick	Newman	Stone
Castleberry	Hare	Norman (Bullock)	Taylor
Cook	Hodo	Payne	Waldrop
Cope	Jones	Peacock	Wallace
Davis (Madison)	Kaul	Pitts	Welch
Dearman	Langley	Pool	Weston
Delony	Locke	Quarles	Whigham
Dobbs	Lovelace	Robertson (Cullman)	Wood
Dominick	Martin	Sadler	Young

—56

H. 501. To amend Section 393 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Miller	Segrest
Bagley	Flowers	McGowin	Sessions
Barnes	Garrett	Neighbors	Sherrer
Brown (Covington)	Gewin	Newman	Sightler
Carwile	Golson	Norman (Bullock)	Smyer
Castleberry	Gwin	Payne	Stone
Chewning	Hardwick	Peacock	Taylor
Christopher	Hare	Pitts	Thomas
Cook	Hodo	Pool	Waldrop
Cope	Jones	Quarles	Wallace
Davis (Madison)	Kaul	Robertson (Cullman)	Welch
Dearman	Langley	Robinson (St. Clair)	Whigham
Delony	Lovelace	Sadler	Wood
Dobbs	Martin	Scott	Young
Dominick	Mayhall		

—58

On motion of Mr. Lovelace the bill, H. 501, was ordered sent forthwith to the Senate without engrossment.

H. 955. To provide for the repurchase by the Alabama Alcoholic Beverage Control Board of alcoholic beverages which were originally sold by it, but which such alcoholic beverages subsequently have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation; to provide for the resale of such alcoholic beverages by the Alabama Alcoholic Beverage Control Board; and to provide for the disposition of the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation.

Was taken up.

Mr. Dominick offered the following substitute for the bill, H. 955:

Substitute for House bill No. 955:

A BILL

To be entitled An Act to provide for the purchase by the Alabama Alcoholic Beverage Control Board of alcoholic beverages which have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation; to provide for the resale of such alcoholic beverages by the Alabama Alcoholic Beverage Control Board; and to provide for the disposition of the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the Alabama Alcoholic Beverage Control Board is hereby authorized to purchase alcoholic beverages which have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation, the price to be paid for such alcoholic beverages to be mutually agreed upon by the Alabama Alcoholic Beverage Control Board and the county or municipality making the condemnation and/or confiscation, but, in no event, to exceed the wholesale cost of such alcoholic beverages.

SECTION 2. That the Alabama Alcoholic Beverage Control Board is hereby authorized to resell any such alcoholic beverages which it purchases from a county or municipality which has condemned and/or confiscated the same in the same manner as it sells other alcoholic beverages.

SECTION 3. That the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation, less the cost of condemnation and/or confiscation and the sale to the Alabama Alcoholic Beverage Control Board, shall be covered into the treasury of the county or municipality making the condemnation and/or confiscation to the credit of the general fund thereof.

SECTION 4. That all laws and parts of laws, general, special or local, in conflict with the provisions of this act be and the same are hereby repealed.

SECTION 5. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute offered by Mr. Dominick for the bill, H. 955, was adopted.

Yeas, 50; Nays, 4.

Yeas:

Mr. Speaker	Ellis	Miller	Sightler
Austin	Carrett	Neighbors	Smyer
Bagley	Gewin	Newman	Stone
Barnes	Golson	Norman (Bullock)	Taylor
Brown (Covington)	Gwin	Payne	Thomas
Castleberry	Hardwick	Pitts	Waldrop
Chewning	Hodo	Quarles	Wallace
Christopher	Jones	Robertson (Cullman)	Welch
Cook	Langley	Robinson (St. Clair)	Weston
Davis (Madison)	Locke	Sadler	Whigham
Dearman	Lovelace	Segrest	Wood
Delony	Martin	Sessions	Young
Dominick	Megginson		

—50

Nays: Messrs.: McDanal, Peacock, Scott, Sherrer

— 4

And said bill:

H. 955. To provide for the repurchase by the Alabama Alcoholic Beverage Control Board of alcoholic beverages which were originally sold by it, but which such alcoholic beverages subsequently have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation; to provide for the resale of such alcoholic beverages by the Alabama Alcoholic Beverage Control Board; and to provide for the disposition of the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation.

As amended by the substitute offered by Mr. Dominick, was read a third time at length and passed.

Yeas, 50; Nays, 4.

Yeas:

Mr. Speaker	Ellis	Miller	Sightler
Austin	Garrett	Neighbors	Smyer
Bagley	Gewin	Newman	Stone
Barnes	Golson	Norman (Bullock)	Taylor
Brown (Covington)	Gwin	Payne	Thomas
Castleberry	Hardwick	Pitts	Waldrop
Chewning	Hodo	Quarles	Wallace
Christopher	Jones	Robertson (Cullman)	Welch
Cook	Langley	Robinson (Lowndes)	Weston
Davis (Madison)	Locke	Sadler	Whigham
Dearman	Lovelace	Segrest	Wood
Delony	Martin	Sessions	Young
Dominick	Megginson		

—50

Nays: Messrs.: McDanal, Peacock, Scott, Sherrer

— 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment.

By Mr. Rowe:

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Also:

By Mr. St. John:

S. 431. To amend Section 3739 of the Code of Alabama of 1923.

Also:

By Mr. Harrison:

S. 481. To repeal Section 4625 of the Code of Alabama of 1923.

Also:

By Mr. Young:

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265.

J. E. Speight,
Secretary

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Agriculture, S. 484.

Judiciary, S. 431; S. 481; S. 446.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 357. To authorize and empower the Board of Revenue of Barbour County to consider, audit and direct payment of a claim, held by J. B. Laseter, late Sheriff of said County, against the Fine and Forfeiture Fund of said County, to Lucinda Laseter, the widow of said J. B. Laseter.

Also:

S. 217. To provide supernumerary judges for courts of record, to prescribe their tenure, duties, powers, fix their compensation, and the method of payment.

J. E. Speight,
Secretary

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 800. To make legal and not usurious any secured or unsecured loan in a principal amount not exceeding \$1500.00 and interest thereon by those regularly engaged in the business of lending money in the State of Alabama, which loan is made payable in periodic installments over a period not exceeding twenty-four months, and the charging and collection of discount or interest on the total principal amount of the loan at a rate not exceeding eight per cent. per annum from the date of the loan to the maturity date of the last maturing installment as though such total principal amount would be payable on the maturity date of the last maturing installment, such discount of interest to be payable either in full at the date of the making of the loan or by aggregating such discount or interest with the principal and making such aggregate payable in periodic installments and to accordingly modify and amend existing laws relating to usury.

Was taken up.

Mr. Segrest offered the following amendment to the bill, H. 800: Amend Section 1, by striking out the words "eight per cent", and substituting in lieu thereof "five percent"

Mr. Hodo moved to table the amendment offered by Mr. Segrest and the motion of Mr. Hodo was lost.

Yeas, 28; Nays, 30.

Yeas:

Mr. Speaker	Dearman	Hodo	Robertson (Cullman)
Austin	Dobbs	Kaul	Sessions
Bagley	Dominick	Megginson	Sightler
Brown (Covington)	Garrett	Miller	Smyer
Carwile	Golson	McGowin	Stone
Castleberry	Graham	Neighbors	Wallace
Cook	Gwin	Pitts	Wood

—28

Nays:

Messrs.:	Hardwick	Norman (Bullock)	Sherrer
Barnes	Hare	Payne	Taylor
Christopher	Jones	Peacock	Thomas
Cope	Langley	Quarles	Waldrop
Davis (Madison)	Locke	Robinson (St. Clair)	Weston
Delony	Martin	Sadler	Whigham
Flowers	McDanal	Scott	Young
Gewin	Newman	Segrest	

—30

On motion of Mr. Smyer, the further consideration of the bill, H. 800, and the amendment offered by Mr. Segrest, was postponed until the forty-sixth legislative day.

H. 922. To authorize the Treasurer of the State of Alabama to pay certain monies to the Department of Industrial Relations, for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compensation Act of Alabama and the program of factory and industrial plant inspection for the safety of employees.

Was read a third time at length and passed.

Yeas, 52; Nays, 2.

Yeas:

Mr. Speaker	Dobbs	Martin	Segrest
Austin	Dominick	Miller	Sessions
Bagley	Garrett	McDanal	Sherrer
Barnes	Gewin	McGowin	Sightler
Branyon	Golson	Neighbors	Smyer
Carwile	Graham	Norman (Bullock)	Stone
Castleberry	Hardwick	Payne	Taylor
Chewning	Hare	Pitts	Thomas
Christopher	Hodo	Quarles	Waldrop
Cook	Jones	Robertson (Cullman)	Wallace
Cope	Kaul	Robinson (St. Clair)	Welch
Davis (Madison)	Langley	Sadler	Whigham
Dearman	Lovelace	Scott	Young

—52

Nays: Messrs.: Newman, Peacock

— 2

On motion of Mr. Hodo, the bill, H. 922, was ordered sent forthwith to the Senate without engrossment.

H. 739. To relieve Clerks of Circuit Courts of the State from liability because of their failure to collect the three dollar trial tax levied by law in Workmen's Compensation settlements made pursuant to Section 7550 of the Code of 1923.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Megginson	Sessions
Barnes	Flowers	Miller	Sherrer
Brown (Covington)	Garrett	McDanal	Sightler
Carwile	Gewin	McGowin	Smyer
Castleberry	Golson	Neighbors	Stone
Chewning	Hardwick	Newman	Taylor
Christopher	Hare	Norman (Bullock)	Thomas
Cook	Hodo	Payne	Waldrop
Cope	Jones	Pitts	Wallace
Davis (Madison)	Kaul	Quarles	Welch
Dearman	Langley	Robinson (St. Clair)	Whigham
Delony	Locke	Sadler	Wood
Dobbs	Lovelace	Scott	Young
Dominick	Martin	Segrest	

—55

On motion of Mr. Welch the bill, H. 739, was ordered sent forthwith to the Senate without engrossment.

H. 930. To further provide for the powers, duties and responsibilities of the Alabama Institute for Deaf and Blind; to authorize and require the Alabama Institute for Deaf and Blind to set up an "Adult Blind Department"; and to provide an appropriation for carrying out the provisions of this act.

Was read a third time at length and passed.

Yeas, 54; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Miller	Segrest
Bagley	Ellis	McDanal	Sessions
Barnes	Garrett	McGowin	Sherrer
Branyon	Gewin	Neighbors	Sightler
Brown (Covington)	Golson	Newman	Smyer
Carwile	Graham	Norman (Bullock)	Taylor
Castleberry	Hardwick	Payne	Waldrop
Chewning	Hare	Peacock	Wallace
Christopher	Jones	Pitts	Welch
Cook	Kaul	Robertson (Cullman)	Weston
Cope	Langley	Robinson (St. Clair)	Whigham
Davis (Madison)	Lovelace	Sadler	Wood
Delony	Martin	Scott	Young
Dobbs	Meggins		

—54

On motion of Mr. Payne the bill, H. 930, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Harrison:

S. 480. To amend Section 3 of an Act entitled "An Act to provide for a system of probation for persons convicted of crime; to authorize the suspension of the execution of sentence in criminal cases, to provide for the release and supervision on probation of persons whose sentences are suspended, to prescribe the conditions of probation, to provide for the re-arrest and commitment of probationers violating the conditions of probation, and to provide for the payment of costs of court in cases where execution of sentence is suspended," approved August 24, 1939.

Also:

By Mr. St. John:

S. 430. To amend Section 7278 of the Code of Alabama of 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 480; S. 430.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 613. A bill to be entitled An Act to provide for and to submit to the qualified electors of the State of Alabama, at an election to be held at the next general election held after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed, an Amendment to the Constitution of Alabama authorizing the Court of County Commissioners of Colbert County, Alabama, to divide said County into drainage districts for the control of malaria and to authorize and empower said county to levy and collect in the several drainage districts which may be formed a special three mill tax, for use in malaria control work, in addition to all taxes now authorized, provided such tax is authorized by a majority of the qualified electors residing in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed Amendment and the day appointed for such election shall be at the next general election held after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed.

The Amendment is as follows:

"The Court of County Commissioners of Colbert County, Alabama, is authorized to divide said County into drainage districts

for the control of malaria, and said County is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for State taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors residing in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the Court of County Commissioners of said County and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the County Government under the direction of the Governing Body of Colbert County, and the Colbert County Department of Public Health."

Section 2. That notice of the election hereby ordered, together with the Amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each County in the State for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed Amendment, the qualified electors of the State shall vote on said proposed Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"The Court of County Commissioners of Colbert County, Alabama, is authorized to divide said County into drainage districts for the control of malaria, and said county is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for State taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors re-

siding in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the Court of County Commissioners of said County and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the County Government under the direction of the Governing Body of Colbert County, and the Colbert County Department of Public Health." Yes, No..... The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments to the Constitution.

Section 5. The votes cast at said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

H. 704. To provide for the nomination of members of the Court of County Commissioners of Clay County, Alabama, in primary elections.

Also:

H. 705. To repeal an Act approved September 2, 1935, entitled "An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioners, to establish in said

county a County Commission; to provide for the election of the members of said commission; to fix their term of office; to define the powers and duties of such Commission, and to fix the compensation of the members thereof" as amended by an Act approved March 8, 1939, entitled "An Act to amend sections 2, 3, 6, 9 and 10 of an Act Entitled 'An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner; to provide for the election of the members of said commission; to fix their term of office, to define the powers and duties of such commission and to fix the compensation of the members thereof' approved September 2, 1935".

Also:

H. 698. To authorize and empower the Town Council of the Town of Fairhope, Alabama, to require the Mayor of the Town of Fairhope to act as Superintendent of the Municipal Light and Power System and of the Municipal Water and Sewerage System; to prescribe his duties as such when so required to act; to provide additional compensation therefor and to provide the payment thereof.

Also:

H. 699. To extend the boundary lines of the Town of Fairhope, in Baldwin County, Alabama, so as to include in the territory of the said corporation of the Town of Fairhope, in addition to the territory now embraced therein, the following described lands, to wit:

From the Section corner of Sec. 8, 9, 16, 17, Township 6 South, Range 2 East, Baldwin County, Alabama, run North 1310 feet to the Northeast corner of the corporation limits of the Town of Fairhope, thence run west 2650 feet to the East line of the Dunlap estate, which is the point of beginning of this description, thence North one mile to a point; thence west to Mobile Bay, thence South along the margin of Mobile Bay to the North line of the present corporate limits of the Town of Fairhope, thence East to point of beginning. The above described property being in Section 37 (Baron De Ferriet grant) and Section 8 (William Patterson grant) all in Township 6 South, Range 2 East, Baldwin County, Alabama.

Also:

H. 761. To relieve all persons in Baldwin County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Baldwin County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Baldwin County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a percapita road or street tax in Baldwin County, Alabama, or in any Municipality thereof.

Also:

H. 807. To amend Section 15 of an Act entitled an Act, "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Also:

H. 813. To provide for the fixing of the salary or compensation of the members of the Jury Commission of Walker County, Alabama, and the Clerk of said Commission.

Also:

H. 814. To amend an Act, entitled "An Act," "To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office, approved April 11, 1933."

Also:

H. 855. To abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated.

Also:

H. 857. For the relief of J. C. Pattillo, Clerk of the Circuit Court of Chilton County, Alabama, and to relieve said Clerk from any and all liability for and on account of fees or compensation

received by him under the provisions of General Acts of Alabama, 1931, page 668, for issuing subpoenas before the Grand Jury of Chilton County in cases where no indictments were found, said fees or compensation being in the amount of \$81.10.

Also:

H. 859. To abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing, and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect.

Also:

H. 876. To amend Section Two of an Act of the Legislature approved July 9th, 1927 entitled "An Act to provide for the appointment of deputy clerks for the Inferior Criminal Court of Mobile County: To prescribe the duties and fix the compensation and salary of such clerks."

Also:

H. 877. To amend Section One of an Act of the Legislature approved March 28th, 1933, entitled "An Act to reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County."

Also:

H. 878. To fix the Compensation or salary to be paid the tax Assessor of Morgan County, Alabama, and to regulate the payment of the same: To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the tax assessor of Morgan County, Alabama, and to require of the tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said tax assessor of

Morgan County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Also:

H. 891. To amend Sections 4 and 5 of an Act entitled "An Act to provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said County and to prescribe his duties and compensation."

Also:

H. 916. To provide for a Special Election to authorize and empower the Court of County Commissioners, Board of Revenue, or other like governing body of Jackson County, Alabama, to levy and collect an excise tax of not more than three (3) cents per gallon on every gallon of gasoline, woco-pep, benzine, naphtha, or any substitute therefor, sold in said County for a period of four (4) years, to be determined from the date of the first levy of said excise tax by said Court of County Commissioners, Board of Revenue, or other like governing body of said County; to provide for the conducting of said election; to authorize the Court of County Commissioners, Board of Revenue, or other like governing body of said County, to pay the expenses of said election; to authorize said Court of County Commissioners, Board of Revenue, or other like governing body of said County, to provide the necessary machinery for the collection of said excise tax; to make provision for the distribution of said tax; to prohibit any incorporated city or town in said County from levying a municipal tax on gasoline, woco-pep, benzine, naphtha, or any substitute therefor; to repeal the municipal taxes on said gasoline, woco-pep, benzine, naphtha, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said excise tax, and to provide a penalty for the failure to pay said tax in accordance with the requirements of the Court of County Commissioners, Board of Revenue, or other like governing body of said County.

Also:

H. 870. To permit delicatessen stores in all cities having a population of two hundred thousand or more, according to the last, or any subsequent Federal census, to remain open on Sunday; To define delicatessen stores, and to provide for the regulation thereof.

Also:

H. 641. To provide for the calculation of indices of financial ability of each county, including the cities therein, to support the

Minimum School Program, and to provide for the use of said indices in apportioning the Minimum Program Fund.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 376. To amend Section 10450 of the Code of Alabama of 1923.

Also:

H. 377. To amend Section 10451 of the Code of Alabama of 1923.

J. E. Speight,
Secretary

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 A. M. on September 5, 1939.

H. 223.

H. 801.

H. 808.

H. 815.

H. 826.

H. 836.

H. 839.

H. 840.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Langley, the House, in accordance with a Senate joint resolution heretofore adopted, adjourned until Thursday, September 7th, at 9 o'clock A. M.

FORTY-FIFTH DAY

House of Representatives,
Montgomery, Alabama,

Thursday, September 7th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Hill, of the House.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Dominick	Mathews (Clarke)	Scott
Allen	Doster	Matthews (Jackson)	Segrest
Austin	Ellis	Mayhall	Sessions
Bagley	Flowers	Meggins	Sherrer
Ball	Garrett	Miller	Sightler
Barchard	Gewin	McCord	Smyer
Barnes	Golson	McDanal	Snyder
Booth	Graham	McGowin	Spence
Boswell	Graves	Nation	Stallings
Branyon	Green	Neighbors	Stone
Brown (Covington)	Gwin	Newman	Taylor
Brown (Lee)	Hall	Norman (Bullock)	Thomas
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Castleberry	Hare	Owens	Toomer
Chewing	Haynes	Payne	Tucker
Christopher	Henson	Peacock	Walden
Clayton	Hill	Petrey	Waldrop
Cobb	Hodo	Phillips	Wallace
Collier	Jenkins	Pitts	Waller
Cook	Jones	Pool	Welch
Cope	Kaul	Quarles	Weston
Davis (Madison)	Langan	Robertson (Cullman)	Whigham
Dearman	Langley	Robinson (Lowndes)	White
Delony	Locke	Robinson (St. Clair)	Wood
Devers	Lovelace	Sadler	Wright
Dobbs	Martin	Sanderson	Young

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the

House for the forty-fourth legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-fourth legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the forty-fourth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 955. To provide for the purchase by the Alabama Alcoholic Beverage Control Board of alcoholic beverages which have been condemned and/or confiscated as having been illegally transported, possessed or sold, from the county or municipality making the condemnation and/or confiscation; to provide for the resale of such alcoholic beverages by the Alabama Alcoholic Beverage Control Board; and to provide for the disposition of the funds paid for such alcoholic beverages by the Alabama Alcoholic Beverage Control Board to the county or municipality making the condemnation and/or confiscation.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolution:

H. 125. To provide a Local Option Stock Law for the State of Alabama with the County as the unit; to provide local option elec-

tions to be held in any county to determine whether it shall be lawful for cows, calves, yearlings, oxen and bulls to go at large in any such county; to provide that this act shall be designated and cited as "The Local Option Stock Law for the State of Alabama with the County as the Unit"; to make it unlawful for live-stock or other animals to run at large upon the premises of another or on the public lands, roads, highways or streets in the State of Alabama; to make the owner thereof liable for damages done by such live-stock or animals; to provide for the taking up of such live-stock or animals by the owner or person in possession of any land so trespassed upon, or an agent of such parties or by any member of the State Highway Patrol, the Sheriff and his deputies of any county, the constable of any precinct, or any law enforcement officer of any municipality, and for the payment of certain fees in connection therewith; to provide for notice to the owner of any live-stock or animals taken up if such owner be known; to provide for proceedings before justices of the peace, mayors, or recorder's court in reference to the taking up of such live-stock or animals and for the payment of costs incurred in such suit; to provide also for the ascertainment and payment of damages to property caused by live-stock or animals unlawfully at large, and orders or judgments to be made in connection therewith, and for the enforcement thereof, and to provide for appeals to be taken from any judgment rendered by any justice of the peace, mayor or recorder under the provisions of this Act to the Circuit Court, or other court of like jurisdiction; to provide that in counties or municipalities where live-stock or animal pounds are maintained, any person or officer seizing any live-stock or animal may deliver such live-stock or animal so seized to the poundkeeper for safekeeping; to provide that the owner of any livestock or animal seized under the provisions of this enactment may make bond for the recovery of the live-stock or animal; to provide further for the sale of such live-stock or animal after the ascertainment of damages; to define and limit the term "live-stock" or "animal"; to define "open range county" and "stock law county" and to provide that no liability shall attach to any owner or operator of any vehicle of any kind who may injure or kill in either "open range" or "stock law" counties any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat or pig, while at large on any public highway; and to repeal all laws, general, special, local, and private, and parts of laws in conflict herewith.

Also:

H. 376. To amend Section 10450 of the Code of Alabama of 1923.

Also:

H. 377. To amend Section 10451 of the Code of Alabama of 1923.

Also:

H. 613. To Provide for and to submit to the qualified electors of the State of Alabama, at an election to be held at the next general election held after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed, an Amendment to the Constitution of Alabama authorizing the Court of County Commissioners of Colbert County, Alabama, to divide said County into drainage districts for the control of malaria and to authorize and empower said County to levy and collect in the several drainage districts which may be formed a special three mill tax, for use in malaria control work, in addition to all taxes now authorized, provided such tax is authorized by a majority of the qualified electors residing in such drainage districts voting upon such proposition at an election called and held for the purpose of authorizing such tax.

Be it enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed and an election by the qualified electors of the State is hereby ordered upon such proposed Amendment and the day appointed for such election shall be at the next general election held after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed.

The Amendment is as follows:

"The Court of County Commissioners of Colbert County, Alabama, is authorized to divide said County into drainage districts for the control of malaria, and said County is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for State taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors residing in such drainage districts voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the Court of County Commissioners of said County and shall be held and con-

ducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the County Government under the direction of the Governing Body of Colbert County, and the Colbert County Department of Public Health."

Section 2. That notice of the election hereby ordered, together with the Amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each County in the State for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. That at the election hereby ordered to be held by the qualified electors of the State upon said proposed Amendment, the qualified electors of the State shall vote on said proposed Amendment and on the official ballots printed for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama?"

"The Court of County Commissioners of Colbert County, Alabama, is authorized to divide said County into drainage districts for the control of malaria, and said County is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for State taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors residing in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the Court of County Commissioners of said County and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the County Government under the direction of the Governing Body of Colbert County, and the Colbert County Department of Public Health." Yes..... No..... The choice of the elector

shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the election laws of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning Amendments to the Constitution.

Section 5. The votes cast at said election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Section 6. The expenses of the election hereby ordered upon said proposed Amendment and the costs of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Also:

H. 641. To provide for the calculation of indices of financial ability of each county, including the cities therein, to support the Minimum School Program, and to provide for the use of said indices in apportioning the Minimum Program Fund.

Also:

H. 698. To authorize and empower the Town Council of the Town of Fairhope, Alabama, to require the Mayor of the Town of Fairhope to act as Superintendent of the Municipal Light and Power System and of the Municipal Water and Sewerage System; to prescribe his duties as such when so required to act; to provide additional compensation therefor and to provide the payment thereof.

Also:

H. 699. To extend the boundary lines of the Town of Fairhope, in Baldwin County, Alabama, so as to include in the territory of the said corporation of the Town of Fairhope, in addition to the territory now embraced therein, the following described lands, to wit:

From the Section corner of Sec. 8, 9, 16, 17, Township 6 South, Range 2 East, Baldwin County, Alabama, run North 1310 feet to the Northeast corner of the corporation limits of the Town of

Fairhope, thence run west 2650 feet to the East line of the Dunlap estate, which is the point of beginning of this description, thence North one mile to a point; thence west to Mobile Bay, thence South along the margin of Mobile Bay to the North line of the present corporate limits of the Town of Fairhope, thence East to point of beginning. The above described property being in Section 37 (Baron De Ferriet grant) and Section 8 (William Patterson grant) all in Township 6 South, Range 2 East, Baldwin County, Alabama.

Also:

H. 704. To provide for the nomination of members of the Court of County Commissioners of Clay County, Alabama, in primary elections.

Also:

H. 705. To repeal an Act approved September 2, 1935, entitled "An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner, to establish in said county a County Commission; to provide for the election of the members of said commission; to fix their term of office; to define the powers and duties of such Commission, and to fix the compensation of the members thereof" as amended by an Act approved March 8, 1939, entitled "An Act to amend sections 2, 3, 6, 9 and 10 of an Act Entitled 'An Act to abolish the Commissioners Court of Clay County, Alabama; and the office of County Commissioner; to provide for the election of the members of said commission; to fix their term of office, to define the powers and duties of such commission and to fix the compensation of the members thereof' approved September 2, 1935".

Also:

H. 761. To relieve all persons in Baldwin County, Alabama, and in any Municipality thereof, of and from any and all legal obligation to work on the public roads or streets in Baldwin County, Alabama, or in any Municipality thereof, or to pay any money in lieu of such obligation to work on the public roads or streets in Baldwin County, Alabama, or in any Municipality thereof, and to prohibit the levying and collecting of a percapita road or street tax in Baldwin County, Alabama, or in any Municipality thereof.

Also:

H. 807. To amend Section 15 of an Act entitled an Act, "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to reg-

ulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," approved April 8, 1911.

Also:

H. 813. To provide for the fixing of the salary or compensation of the members of the Jury Commission of Walker County, Alabama, and the Clerk of said Commission.

Also:

H. 814. To amend an Act, entitled "An Act," "To create the office of night and day jail guards for Walker County, Alabama; to provide for their appointment, fix their compensation and term of office, approved April 11, 1933."

Also:

H. 855. To abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated.

Also:

H. 857. For the relief of J. C. Pattillo, Clerk of the Circuit Court of Chilton County, Alabama, and to relieve said Clerk from any and all liability for and on account of fees or compensation received by him under the provisions of General Acts of Alabama, 1931, page 668, for issuing subpoenas before the Grand Jury of Chilton County in cases where no indictments were found, said fees or compensation being in the amount of \$81.10.

Also:

H. 859. To abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing, and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect.

Also:

H. 870. To permit delicatessen stores in all cities having a population of two hundred thousand or more, according to the last, or any subsequent Federal census, to remain open on Sunday; To define delicatessen stores, and to provide for the regulation thereof.

Also:

H. 876. To amend Section Two of an Act of the Legislature approved July 9th, 1927 entitled "An Act to provide for the appointment of deputy clerks for the Inferior Criminal Court of Mobile County: To prescribe the duties and fix the compensation and salary of such clerks."

Also:

H. 877. To amend Section One of an Act of the Legislature approved March 28th, 1933, entitled "An Act to reduce and fix the salary of the Ex-Officio Clerk of the Inferior Civil Court in Mobile County."

Also:

H. 878. To fix the Compensation or salary to be paid the tax Assessor of Morgan County, Alabama, and to regulate the payment of the same: To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the tax assessor of Morgan County, Alabama, and to require of the Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same

into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said tax assessor of Morgan County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Also:

H. 891. To amend Sections 4 and 5 of an Act entitled "An Act to provide for the election of a County Treasurer of Walker County, Alabama, by the qualified electors of said County and to prescribe his duties and compensation."

Also:

H. 916. To provide for a Special Election to authorize and empower the Court of County Commissioners, Board of Revenue, or other like governing body of Jackson County, Alabama, to levy and collect an excise tax of not more than three (3) cents per gallon on every gallon of gasoline, woco-pep, benzine, naphtha, or any substitute therefor, sold in said County for a period of four (4) years, to be determined from the date of the first levy of said excise tax by said Court of County Commissioners, Board of Revenue, or other like governing body of said County; to provide for the conducting of said election; to authorize the Court of County Commissioners, Board of Revenue, or other like governing body of said County, to pay the expenses of said election; to authorize said Court of County Commissioners, Board of Revenue, or other like governing body of said County, to provide the necessary machinery for the collection of said excise tax; to make provision for the distribution of said tax; to prohibit any incorporated city or town in said County from levying a municipal tax on gasoline, woco-pep, benzine, naphtha, or any substitute therefor; to repeal the municipal taxes on said gasoline, woco-pep, benzine, naphtha, or any substitute therefor, which may now be levied by any incorporated city or town in said County; to provide for the use of said excise tax, and to provide a penalty for the failure to pay said tax in accordance with the requirements of the Court of County Commissioners, Board of Revenue, or other like governing body of said County.

Also:

H. J. R. 112. To designate House Bill No. 223 as the Beck-Harrison Bill.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, and House joint resolution the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. No. 114. Making Certain bills special, paramount and continuing orders.

And the H. R. 114 was adopted.

By Mr. Langley:

H. J. R. 115. WHEREAS, during the past few days many of the great countries of Europe have become engaged in armed conflict with one another; and

WHEREAS, this conflict threatens to involve the whole world; and

WHEREAS, we have not forgotten the great loss of man power and suffering caused by the entrance of the United States into the last World War; and

WHEREAS, on Sunday night last our great Democratic President in a radio address to the people of this Nation pledged every effort of the Government of the United States toward a position of strict neutrality;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that we hereby publicly express the complete accord of the people of the State of Alabama with this position taken by our President in his efforts to insure that "there will be no blackout of peace in the United States".

Be it further resolved that a copy of this resolution be sent to the President of the United States, to the Secretary of State of the United States, to the Secretary of War of the United States, to the Secretary of the Navy of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to the United States Senators and members of the House of Representatives of the United States from the State of Alabama.

On motion of Mr. Langley, the rules were suspended and the H. J. R. No. 115 was adopted.

By Mr. McGowin:

H. J. R. 116. WHEREAS, the President of the United States has urged the people of the United States against profiteering to the detriment of the people of the entire world; and

WHEREAS, the Governor of the State of Alabama has urged the citizens of our State against profiteering on account of the war in Europe; and

WHEREAS, the League of Municipalities of the State of Alabama has urged the citizens of Alabama against profiteering and price raising of commodities on account of the European war;

NOW, THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the Legislature of Alabama urges all of the citizens of the State of Alabama against price raising of commodities and profiteering at the expense of our people.

Be it further resolved that certified copies of this resolution be forwarded to the Governor of this State, to the Secretary of State at Washington and to the President of the United States.

On motion of Mr. McGowin, the rules were suspended and the H. J. R. 116 was adopted.

By Rules Committee:

H. R. 117. Making Certain Bills special, paramount and continuing orders.

And the H. R. No. 117 was adopted.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 990. To amend Section 3800 of the Code of Alabama of 1923.

H. 991. To amend Section 3801 of the Code of Alabama of 1923.

H. 992. To amend Section 3802 of the Code of Alabama of 1923.

H. 993. To amend Section 4158 of the Code of Alabama of 1923.

H. 994. To provide that in all Counties of the State of Alabama which have according to the last Federal census a population of not less than sixty thousand and not more than eighty thousand the

Judge of the County court in such County shall be ex-officio judge of the Juvenile Court of such county except in those counties where provision has been made to the contrary heretofore by special or local act; to provide that the Juvenile Court in such counties and the officers of the Juvenile Court in such counties shall be separate and apart and their duties shall be separate and apart from any other court, agency, bureau or relief board and to repeal all laws in conflict therewith.

H. 1031. To amend Sections 3, 4, 5 and 7 of Act No. 502 of the Regular Session of the Legislature of Alabama of 1923, approved September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923.

H. 1035. To provide for the distribution of the annotated code; to provide for the conservation of the sets distributed and to provide penalties for the violation of the provisions of this act; and to authorize the sale of said annotated code.

S. 275. To provide that any party to a civil action may file a motion with the trial judge for a directed verdict at the close of the evidence offered by an opponent, without waiving a jury trial, and may offer his evidence in the event that the motion is not granted.

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265.

S. 480. To amend Section 3 of an Act entitled "An Act to provide for a system of probation for persons convicted of crime; to authorize the suspension of the execution of sentence in criminal cases, to provide for the release and supervision on probation of persons whose sentences are suspended, to prescribe the conditions of probation, to provide for the re-arrest and commitment of probationers violating the conditions of probation, and to provide for the payment of costs of court in cases where execution of sentence is suspended," approved August 24, 1939.

S. 481. To repeal Section 4625 of the Code of Alabama of 1923.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report with amendment:

(With amendment):

S. 287. To provide the methods of preparing or establishing bills of exceptions and the preparation of the transcript in appeal-

ed cases, and to repeal all laws or parts of laws in conflict therewith.

(With amendment):

S. 430. To amend Section 7278 of the Code of Alabama of 1923.

(With amendment):

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of an Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes', to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with substitute:

(With substitute):

H. 1051. To regulate the fees charged in misdemeanor cases cognizable in justice of the peace courts which are tried in county courts, inferior courts, law and equity courts or courts of like jurisdiction where the defendant pleads guilty and no appeal is taken, including misdemeanor cases for violations of the State Highway Code, the State Highway Patrol Act and the rules of the road; to prohibit the taxation and collection of a solicitor's fee in

such cases; and to repeal all laws and parts of laws, general, special, and local, in conflict herewith.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 769. To amend Section 291 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935.

H. 830. To amend Schedule 129 of an act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935 and found in the General Acts of 1935 at page 256, et seq.

H. 867. To amend Section 379 of an act approved July 10th, 1935, entitled "An act to provide for the general revenue of the State of Alabama."

H. 1003. To amend Schedule 79 of Article XIII, Chapter 1, Section 348, of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

S. 312. Relating to reciprocal agreements between the Alabama Department of Agriculture and Industries and those of other states pertaining to fees for inspection certificates or permits.

S. 338. To further provide for a Merit System for officers and employees in the State service and to make more effective the provisions of the Merit System Act, approved March 2, 1939.

S. 366. To amend Subsection (4) of Subdivision (a) of Section 10 of the Merit System Act, approved March 2, 1939.

S. 451. To amend Section 3 of an Act entitled "An Act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms 'dealer' and 'vendor', and to provide penalties for the violation of the provisions of this Act," approved March 2, 1937.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House without recommendation:

(Without recommendation):

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

(Without recommendation):

H. 633. To amend Schedule 146 of Section 348 of Article 13, Chapter 1 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, as amended by an act entitled "An Act to amend Schedule 146 of Section 348 of Article 13, Chapter 1 of an act entitled 'An Act to provide for the General Revenue of the State of Alabama' approved July 10, 1935" approved March 2, 1937.

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House without recommendation with amendment:

(Without recommendation with amendment):

S. 64. To provide for licensing of coal mining in Alabama; to prescribe the terms and conditions for the issuance of licenses to operate any coal mine or to engage in the business of operating any coal mine in Alabama; to fix the amount and provide for the payment of such licenses; to provide for the use of the proceeds derived from the issuance of such licenses; to provide for the suspension, revocation or cancellation of any such licenses; to prescribe and define the powers and additional duties of the Chief of the Division of Safety and Inspection, Department of Industrial Relations in connection with the administration and enforcement of this Act; to provide for hearings and determination by the Chief Safety Inspector of questions arising in the administration and enforcement of the provisions of this Act, for procedure in such hearings, and for appeals therefrom; to provide punishment for operating

such coal mine, or for engaging in the business of operating such coal mine, without such license; to provide punishment for divulging information contained in applications for such license, and to provide for remedies or procedure for the enforcement of this Act;

Mr. McGowin, Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 318. To provide for the time of payment of the salaries of all officers and employees of the State of Alabama.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 258. To provide for the payment of the salary and traveling expenses of the State Highway Director out of the funds in the State Treasury to the credit of the State Highway Department; and to appropriate from said funds a sufficient sum for the payment of the same.

Mr. Branyon, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 492. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to

provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this act," approved August 25, 1939.

Mr. Brown, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 194. To authorize and empower a city council or other governing body of any city in the State of Alabama having a population of not less than six thousand and not more than fifteen thousand, according to the last or any subsequent Federal Census, to dissolve the consolidation and administration of county and city schools and operate its schools under the general school laws of the State of Alabama pertaining to City Schools.

S. 457. To provide an additional and alternative authority for the consolidation of the administration and control of the public school systems in any county of more than 55,000 population according to the last or any succeeding Federal census; to provide an additional and alternative authority for establishing a board of education in lieu of all other county and city boards of education in such counties to serve until the election of a county board of education, and to provide for the manner of the selection of a county board of education in such consolidated school systems, and to define its authority and duties.

S. 468. To provide for tenure of employment of teachers in the public schools.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 1042. To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

H. 1044. To place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

H. 1045. TO PROVIDE FOR THE DIVISION OF HENRY COUNTY, ALABAMA, INTO FOUR COMMISSIONERS' DISTRICTS; TO DEFINE THE BOUNDARY LINES THEREOF, BY SHOWING THE BEATS COMPOSING SUCH COMMISSIONERS' DISTRICTS; TO PROVIDE FOR THE ELECTION OF ONE MEMBER OF THE COURT OF COUNTY COMMISSIONERS FROM EACH OF SAID COMMISSIONERS' DISTRICTS, BY THE RESPECTIVE VOTERS OF EACH OF SAID COMMISSIONERS' DISTRICTS; TO FIX THEIR TERMS OF OFFICE AND THE DATE OF THEIR ELECTION; TO REPEAL SECTIONS 2, 3, 4, and 5, OF AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1923, KNOWN AS HOUSE BILL NO. 354; TO REPEAL SECTION 1 OF AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT EXTRAORDINARY SESSION, 1932, KNOWN AS HOUSE BILL NO. 537; AND TO REPEAL SECTIONS 1, 2, 3, 4, and 5, OF AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1935, KNOWN AS HOUSE BILL NO. 430.

H. 1046. To create the office of County Road Engineer for Henry County, Alabama; to prescribe the qualifications, power, authority, and duties of said County Road Engineer; to provide for his appointment and the appointment of his successor; to fix his term of office and salary; and to authorize the Court of Commissioners of Henry County, Alabama, to enter into an agreement with the Alabama State Highway Director with regard, and to fix the amount of, and method of payment of the salary of said County Road Engineer.

H. 1047. To abolish the office of County Road Supervisor in and for Henry County, Alabama.

H. 1048. To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

S. 485. To authorize and empower the Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any County purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

S. 486. To require the payment of Medical, Hospital and Doctor's bills upon the payment, settlement, or compromise in Mobile County, Alabama, of claims or judgments for damages for personal injuries, when such Medical, Hospital, or Doctor's Bills are incurred in connection with the treatment or cure of such personal injuries and the amount thereof is included in the amount of such payment, settlement or compromise, and written itemized bills therefor are presented, prior to such payment, settlement or compromise, to the party against whom recovery is sought, and to fix the liability therefor of parties paying, settling or compromising such claims or judgments.

S. 489. Requiring the Board of Commissioners or other like governing body of each municipality in the county of Mobile to provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in each such municipality, without submitting the question as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and to provide that such voting machines shall thereafter be used in all such municipal elections held in any such municipality, in con-

formity with and subject to the general law of the State of Alabama regulating the use of voting machines in municipalities in the State of Alabama.

Mr. Hill, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1049. To prohibit the sale or givenaway of Barbarturates and any and all of the derivatives of Barbarturates, without first obtaining a prescription therefor from a regular licensed physician; to fix penalties for violations of this act; to repeal any and all laws and parts of laws in conflict with this act and to provide that this act shall go into effect immediately upon its passage and adoption, by the Governor.

Mr. Ellis, Chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

(With amendment):

S. 495. To amend Section 2 and Section 6 of an Act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 482. For the relief of Robert L. Goldsmith.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 266. To regulate the business of buying livestock for resale or slaughter, the business of slaughtering livestock, and the business of transporting, hauling or driving of such livestock along the public highways of Alabama for resale or slaughter; to define such dealers, slaughterers and transporters in and of such livestock; to provide for permits for such dealers or the conduct of such businesses to protect owners or lienholders against theft or wrongful sale or removal of such livestock; to authorize the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture to prescribe reasonable rules and regulations for the conduct of such business or businesses; to provide for registering the brands or marks of livestock, to fix the duties of the Commissioner of Agriculture and Industries, and to provide penalties for the violation of this Act.

The above and foregoing bills were severally read a second time and placed on the Calendar.

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 488. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at the General Election to be held in November, 1940, an Amendment to the Constitution of Alabama so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, alter and regulate the fees, commissions, allowances and salary, including the method or

basis of the compensation to be charged or allowed to the Sheriff of Mobile County, Alabama, and to provide the method and basis of the compensation of such Sheriff of Mobile County; and whereby all Acts of the Regular Session of the Alabama Legislature of 1939 and 1939-1940, heretofore or hereafter passed and applicable to or purporting to be applicable to such County, and fixing or purporting to fix the compensation of said Sheriff of Mobile County on a salary basis, are validated and confirmed.

Be it Enacted by the Legislature of Alabama:

Section I. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama for their consideration as herein-after set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed."

Section II. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least eight successive weeks next preceding the date of the election on the Amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section III. That the General Elections to be held in Alabama in November, 1940, the proposed Amendment shall be submitted to the qualified voters of the State of Alabama. Upon the ballots used at said election shall be printed the following, by: "Shall the following be adopted as an amendment to the Constitution of Alabama?" The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular

Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed."

Yes..... No..... The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her choice.

Section IV. The Election Officers at such election shall provide a balloting place for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. At the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall appear thereupon that a majority of the qualified electors who voted upon the proposed amendment voted, in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

The above and foregoing bill, S. 488, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

MOTION IN WRITING

Motion is hereby made to direct the Ways and Means Committee of the House to act on House Bill No. 975 and to report the same to the House at its next sitting.

Roy Mayhall,
Representative from Winston County.

On motion of Mr. McGowin, the Motion in Writing of Mr. Mayhall was laid upon the table.

Yeas, 57; Nays, 26.

Yeas:

Mr. Speaker	Cope	Green	Meggins
Allen	Davis (Madison)	Gwin	Miller
Austin	Dobbs	Haynes	McCord
Bagley	Dominick	Hill	McDanal
Branyon	Doster	Hodo	McGowin
Brown (Covington)	Flowers	Jones	Neighbors
Brown (Lee)	Garrett	Kaul	Owens
Christopher	Golson	Langley	Pitts
Cobb	Graham	Lovelace	Pool

Robertson (Cullman)	Smyer	Taylor	Wallace
Sadler	Snyder	Thomas	Waller
Sanderson	Spence	Toomer	Welch
Segrest	Stallings	Walden	Wood
Sessions	Stone	Waldrop	Young
Sherrer			

—57

<i>Nays:</i>			
Messrs.:	Gewin	Mayhall	Robinson (Lowndes)
Ball	Hall	Nation	Robinson (St. Clair)
Barnes	Hardwick	Newman	Sightler
Castleberry	Henson	Norman (Lowndes)	Tidmore
Collier	Locke	Peacock	Weston
Delony	Mathews (Clarke)	Petrey	White
Ellis	Matthews (Jackson)	Phillips	

—26

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House.

H. 868. To authorize County Boards of Equalization or other like boards or agencies with final authority to fix the value of property for the purposes of taxation in counties having a population of 200,000 or more, according to the last or any subsequent Federal census, to provide for the inventory and appraisal of all taxable property in such counties; to provide for the payment of the cost and expenses of such inventories and the proration thereof as between the State, such counties, and the municipalities and the boards of education in such counties; to abolish all boards of inventory in said counties, and to transfer all books, records, files, and equipment of said boards, to the County Board of Equalization.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Smyer, the House concurred in and adopted the Senate amendment to the bill, H. 868, said Senate amendment being as follows:

ALABAMA HOUSE BILL, 868

Amend Section 1 by placing a comma after the word "Counties" in line 9 and inserting immediately thereafter and before the words "as a basis" the following:

"except that subject to assessment by the State Department of Revenue,"

Amend the title of said bill by changing the semi-colon following the word "Counties" in line 7 to a comma and inserting immediately thereafter and before the words "to provide for the payment of" the following:

"except that subject to assessment by the State Department of Revenue;"

Amend Section 4 of House Bill 868 by adding at the end of said section the following:

"All appraisers, clerks or other employees employed for the purpose of making an inventory or appraisal under the provisions of this act shall be selected under and governed by the provisions of any county-wide civil service law now or hereafter in effect in any such county. The governing body of any such county shall at all times have the right to determine the number of employees that shall be engaged in the making of any inventory or appraisal under the authority of this act and may increase or reduce the number of said employees at any time."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker
Bagley
Ball
Barchard
Barnes
Carwile
Castleberry
Chewning
Christopher
Clayton
Cobb
Collier
Cook
Cope
Dearman
Delony
Garrett

Gewin
Golson
Graham
Graves
Green
Gwin
Hall
Hare
Hodo
Jones
Kaul
Langan
Langley
Locke
Lovelace
Martin

Miller
McCord
McDanal
McGowin
Nation
Neighbors
Owens
Payne
Peacock
Phillips
Pitts
Pool
Quarles
Scott
Segrest
Sessions

Sherrer
Sightler
Smyer
Snyder
Spence
Stone
Thomas
Tidmore
Walden
Wallace
Welch
Weston
Whigham
White
Wood
Wright

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills, and ordered same sent forthwith to the House without engrossment.

By Mr. Harris:

S. 374. To amend Section 7028 of the Code of Alabama of 1923, by providing that Railroad Companies may own and operate motor vehicles and aeroplanes for the transportation of persons or property, and may acquire property, rights and franchises of others engaged in such transportation, and may acquire and own capital stock of corporations and may enter into agreements with others engaged in or authorized to engage in such transportations, and providing regulations governing such transportation.

Also:

By Mr. Tucker:

S. 302. To appropriate moneys for the retirement of the public debt of the State of Alabama, including moneys for sinking funds on outstanding highway bonds, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the principal on Harbor Improvement Bonds as they severally mature, for each of the fiscal years ending, respectively, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943.

Also:

By Mr. Tucker:

S. 491. To provide for the investment of all funds available for the retirement of State of Alabama Class A Renewal, Class C Renewal or Funding Bonds.

Also:

By Mr. Harris:

S. 415. To provide that certain claims for damages growing out of personal injuries cannot be settled until the expiration of ten days from the date such injuries were received.

Also:

By Mr. Shaver:

S. 467. To provide that the proceeds from the sale of tobacco in the original state of production grown within the State of Alabama, sold by the producer shall not be included in the measure of any tobacco tax.

Also:

By Mr. Simpson:

S. 306. To amend an Act entitled "An Act to provide for State registration of Medical Technicians" approved March 2, 1937.

Also:

By Mr. Conway:

S. 363. To amend Section 1883 of the Code of Alabama, 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Commerce and Common Carriers, S. 374.

Appropriations, S. 302.

Ways and Means, S. 491; S. 467.

Judiciary, S. 415.

Public Health, S. 306.

Privileges and Elections, S. 363.

BILLS ON THIRD READING

H. 656. For the relief of the Pickwick Cafe, Inc. of Montgomery, Alabama, and to appropriate for the said Pickwick Cafe, Inc. the sum of \$285.93, said sum being a refund to the said Pickwick Cafe, Inc. of gross receipts taxes erroneously paid by said cafe to the State of Alabama for the months of January and February, 1937.

Was read a third time at length and passed.

Yeas, 58; Nays, 7.

Yeas:

Mr. Speaker	Flowers	Neighbors	Sightler
Bagley	Gewin	Newman	Smyer
Brown (Covington)	Graham	Norman (Lowndes)	Spence
Brown (Lee)	Hall	Payne	Stallings
Carwile	Haynes	Peacock	Taylor
Castleberry	Henson	Petrey	Thomas
Collier	Hill	Phillips	Tidmore
Cook	Langley	Pitts	Toomer
Davis (Madison)	Mathews (Clarke)	Pool	Tucker
Dearman	Mayhall	Robertson (Cullman)	Walden
Delony	Meggison	Sadler	Wallace
Devers	Miller	Sanderson	Waller
Dobbs	McCord	Scott	Welch
Doster	McDanal	Segrest	Young
Ellis	Nation		

—58

Nays:

Messrs.:	Hardwick	Kaul	Nation
Austin	Hodo	Matthews (Jackson)	Wood

— 7

On motion of Mr. Sightler the bill, H. 656, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 470. To authorize and provide for the payment of seven hundred and fifty and no/100 dollars, for the relief of Sam Little of Sumter County, Alabama, who was injured on the 20th day of September, 1936, while serving a sentence in the State Penitentiary from which he suffered permanent injuries.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Appropriations, said committee substitute being as follows:

Committee substitute for House bill No. 470:

A BILL

To be entitled An Act to authorize and provide for the payment of \$400 for the relief of Sam Little of Sumter County, Alabama, who was injured on the 20th day of September, 1936, while serving a sentence in the State Penitentiary from which he suffered permanent injuries, and provide the fund out of which said amount shall be paid.

WHEREAS, Sam Little, while serving a sentence in the State Penitentiary on conviction of a felony in Sumter County, Alabama, on the 20th day of September, 1936, received injuries while working on a State bridge near Nanafalia, Alabama, painting said bridge, he was instructed to get upon a scaffold which was attached to the bridge by ropes, and while upon said scaffold, one of the ropes broke and he was thrown about fifty feet to the ground, thereby breaking his leg and causing various other injuries, which are permanent injuries, and,

WHEREAS, no compensation has been paid to the said Sam Little for said injuries;

Be it enacted by the Legislature of the State of Alabama:

Section 1. That the State Comptroller be, and hereby is authorized and directed to issue his warrant on the State Treasury in favor of Sam Little for the sum of \$400, which shall be paid by the State Treasurer out of any funds in the State Treasury not otherwise appropriated.

Section 2. That the Comptroller charge said sum to the fund of the State Highway Department of the State of Alabama.

Section 3. This act shall take effect upon its passage and approval by the Governor.

And the Substitute reported by the Standing Committee on Appropriations was adopted.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Megginson	Segrest
Austin	Garrett	Miller	Smyer
Bagley	Gewin	McCord	Spence
Ball	Golson	McDanal	Stallings
Barchard	Graham	Nation	Stone
Branyon	Green	Neighbors	Taylor
Brown (Covington)	Gwin	Newman	Thomas
Carwile	Hall	Norman (Lowndes)	Tidmore
Christopher	Hardwick	Owens	Toomer
Cook	Haynes	Peacock	Tucker
Cope	Henson	Petrey	Wallace
Davis (Madison)	Jones	Phillips	Welch
Dearman	Langley	Pitts	Weston
Delony	Locke	Pool	Whigham
Devers	Mathews (Clarke)	Robertson (Cullman)	White
Dobbs	Matthews (Jackson)	Sadler	Wood
Doster	Mayhall	Sanderson	Young
Ellis			

—69

And said bill:

H. 470. To authorize and provide for the payment of seven hundred and fifty and no/100, (\$750.00) dollars, for the relief of Sam Little, of Sumter County, Alabama, who was injured on the 20th day of September, 1936, while serving a sentence in the State Penitentiary, from which he suffered permanent injuries.

As amended by the substitute reported by the Standing Committee on Appropriations, was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Megginson	Segrest
Austin	Garrett	Miller	Smyer
Bagley	Gewin	McCord	Spence
Ball	Golson	McDanal	Stallings
Barchard	Graham	Nation	Stone
Branyon	Green	Neighbors	Taylor
Brown (Covington)	Gwin	Newman	Thomas
Carwile	Hall	Norman (Lowndes)	Tidmore
Christopher	Hardwick	Owens	Toomer
Cook	Haynes	Peacock	Tucker
Cope	Henson	Petrey	Wallace
Davis (Madison)	Jones	Phillips	Welch
Dearman	Langley	Pitts	Weston
Delony	Locke	Pool	Whigham
Devers	Mathews (Clarke)	Robertson (Cullman)	White
Dobbs	Matthews (Jackson)	Sadler	Wood
Doster	Mayhall	Sanderson	Young
Ellis			

—69

On motion of Mr. Miller the bill, H. 470, was ordered sent forthwith to the Senate without engrossment.

H. 775. For the relief of John C. Burns, and to appropriate for this purpose the sum of \$2,834.09 out of any monies in the State Treasury, not otherwise appropriated, in order to reimburse the said John C. Burns for the above sum paid by him, after protest and objection, to the State Treasury through the Alabama Public Service Commission and the State Tax Commission for mileage tax claimed to be due by said Alabama Public Service Commission and said State Tax Commission under the provisions of the Common Carrier Act of 1931, which said provisions of said Common Carrier Act of 1931 were held by the Supreme Court of Alabama inapplicable to the said John C. Burns, doing business under the firm style of Burns Transportation Company, in the case of State Tax Commission versus Burns Transportation Company by decision rendered on the 6th day of April, 1939.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Martin	Pool
Allen	Dominick	Matthews (Jackson)	Robertson (Cullman)
Austin	Doster	Miller	Sadler
Bagley	Ellis	McCord	Sanderson
Ball	Flowers	McDanal	Scott
Barnes	Gewin	McGowin	Segrest
Branyon	Golson	Nation	Sessions
Carwile	Graham	Neighbors	Smyer
Castleberry	Gwin	Newman	Snyder
Christopher	Hall	Norman (Lowndes)	Spence
Collier	Hardwick	Owens	Thomas
Cook	Hill	Payne	Tidmore
Davis (Madison)	Jones	Peacock	Toomer
Dearman	Kaul	Petrey	Welch
Delony	Langley	Phillips	Wood
Devers	Locke	Pitts	Young

—64

On motion of Mr. Young the bill, H. 775, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 195. To authorize, require and provide for payment out of any moneys not otherwise appropriated by the Legislature of the sum of Five Thousand (\$5,000.00) Dollars, for the relief of John W. Daniel.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on appropriations, said committee amendment being as follows:

To amend House Bill No. 195 by Mr. Segrest by substituting the words and figures Six Hundred (\$600.00) Dollars in place of the words and figures Five Thousand and 00/100—(\$5,000.00) Dollars wherever the same appears in the bill.

And the amendment reported by the Standing Committee on Appropriations was adopted.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker	Gewin	McCord	Sadler
Austin	Green	McDanal	Sanderson
Bagley	Gwin	Nation	Scott
Ball	Hall	Neighbors	Segrest
Barchard	Henson	Newman	Spence
Brown (Lee)	Hill	Norman (Bullock)	Thomas
Carwile	Hodo	Norman (Lowndes)	Tidmore
Cobb	Jones	Owens	Toomer
Cook	Kaul	Payne	Tucker
Cope	Langley	Peacock	Waldrop
Davis (Madison)	Locke	Petrey	Waller
Dearman	Lovelace	Phillips	Welch
Delony	Martin	Pitts	Weston
Devers	Mathews (Clarke)	Pool	White
Dobbs	Matthews (Jackson)	Robertson (Cullman)	Young
Doster	Miller		

—62

And said bill:

H. 195. To authorize, require and provide for payment out of any moneys not otherwise appropriated by the Legislature of the sum of Five Thousand (\$5,000.00) Dollars, for the relief of John W. Daniel.

As amended by the amendment reported by the Standing Committee on Appropriations, was read a third time at length and passed.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hodo	McDanal
Austin	Delony	Jones	Nation
Bagley	Devers	Kaul	Neighbors
Ball	Dobbs	Langley	Newman
Barchard	Doster	Locke	Norman (Bullock)
Brown (Lee)	Gewin	Lovelace	Norman (Lowndes)
Carwile	Green	Martin	Owens
Cobb	Gwin	Mathews (Clarke)	Payne
Cook	Hall	Matthews (Jackson)	Peacock
Cope	Henson	Miller	Petrey
Davis (Madison)	Hill	McCord	Phillips

Pitts	Scott	Toomer	Welch
Pool	Segrest	Tucker	Weston
Robertson (Cullman)	Spence	Waldrop	White
Sadler	Thomas	Waller	Young
Sanderson	Tidmore		

—62

On motion of Mr. Segrest the bill, H. 195, was ordered sent forthwith to the Senate without engrossment.

H. 723. For the relief of Harry Simon, of Montgomery, Alabama.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Doster	Nation	Smyer
Allen	Ellis	Newman	Snyder
Austin	Flowers	Norman (Lowndes)	Spence
Bagley	Gewin	Owens	Stallings
Ball	Golson	Payne	Stone
Brown (Covington)	Graham	Peacock	Thomas
Brown (Lee)	Hall	Petrey	Tidmore
Carwile	Hill	Phillips	Toomer
Castleberry	Jones	Pitts	Tucker
Christopher	Kaul	Pool	Waldrop
Cobb	Langley	Quarles	Wallace
Cook	Locke	Robertson (Cullman)	Waller
Cope	Lovelace	Sadler	Welch
Davis (Madison)	Martin	Scott	Weston
Dearman	Megginson	Segrest	White
Delony	Miller	Sessions	Wood
Dobbs	McCord	Sherrer	Young
Dominick			

—69

On motion of Mr. Miller the bill, H. 723, was ordered sent forthwith to the Senate without engrossment.

H. 1023. To authorize, require and provide for the payment of the sum of \$106.36 out of the funds in the State Treasury to the credit of the State Highway Department, for the relief of C. C. Cunningham, said sum being the actual amount paid by him for the repair of his automobile, which said automobile was damaged on March 17, 1936, on the State highway between Reform and Carrollton in Pickens County, Alabama, due to the negligence of the State Highway Department of Alabama.

Was read a third time at length and passed.

Yeas, 58; Nays, 2.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Sanderson
Austin	Doster	Megginson	Scott
Bagley	Ellis	Miller	Segrest
Ball	Flowers	Nation	Sightler
Brown (Covington)	Garrett	Newman	Stallings
Carwile	Gewin	Owens	Taylor
Christopher	Golson	Payne	Thomas
Cobb	Graham	Peacock	Tidmore
Collier	Hall	Petrey	Toomer
Cook	Hardwick	Pitts	Tucker
Cope	Hill	Pool	Waldrop
Davis (Madison)	Jones	Quarles	Wallace
Dearman	Langley	Robertson (Cullman)	Waller
Delony	Lovelace	Sadler	Welch
Dobbs	Martin		

—58

Nays: Messrs.: Lovelace, McCord.

— 2

On motion of Mr. Waldrop the bill, H. 1023, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 138. Be it Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Tuesday, Sept. 12, 1939 at nine o'clock A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin, the rules were suspended and the S. J. R. 138, set out in the above and foregoing Message from the Senate was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Simpson:

S. J. R. 131. Be IT RESOLVED BY THE SENATE, the House concurring, that the Local Option Stock Law, being House

Bill No. 125, be known and designated as "The Walden-Norman Law."

And sends same herewith to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Cope, the rules were suspended and the S. J. R. 131, set out in the above and foregoing Message from the Senate was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 116. To amend Section 1106 of the Code of Alabama, 1923, as amended by the Legislature of 1927, relating to the control of venereal disease.

Said Conference Report being in words and figures as follows, to-wit:

Regarding S. 116.

To The President of the Senate:

Speaker of the House:

Your Committee on Conference recommends that the House recede from its amendment; and that both the Senate and the House adopt the following amendment to S. 116:

Amend Senate Bill 116 by adding as a last sentence to Section 1 thereof the following:

"Cost of feeding and keeping such person or persons shall be at the expense of the city in the event such person or persons reside in an incorporated municipality; otherwise, the same shall be at the expense of the county."

ZODAC L. WEATHERFORD

W. C. HOLMES

J. BRUCE HENDERSON

Senate Conferees

R. L. HILL

FORREST CASTLEBERRY

L. H. WALLER

House Conferees

Date Sept. 5, 1939.

By a vote of: Yeas, 24; Nays, 1.

And said bill, S. 116, was again read a third time at length and passed as amended.

Yeas, 22; Nays, 0.

And sends same, together with the Conference Report herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hill, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 116, said report of said Committee of Conference being set out in the above and foregoing Message from the Senate.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker	Ellis	McDanal	Sessions
Allen	Flowers	Nation	Sightler
Austin	Gewin	Neighbors	Smyer
Ball	Golson	Newman	Spence
Barnes	Graham	Owens	Stallings
Brown (Covington)	Graves	Peacock	Stone
Castleberry	Green	Petrey	Thomas
Cobb	Hardwick	Pitts	Tidmore
Collier	Hill	Pool	Toomer
Cook	Jones	Robertson (Cullman)	Waldrop
Davis (Madison)	Langley	Sadler	Wallace
Dearman	Martin	Sanderson	Waller
Dobbs	Meggins	Scott	Welch
Dominick	Miller	Segrest	Whigham
Doster	McCord		

—58

Nays: Mr. Mathews (Clarke).

— 1

And said bill:

S. 116. To amend Section 1106 of the Code of Alabama, 1923, as amended by the Legislature of 1927, relating to the control of venereal disease.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker	Castleberry	Dobbs	Golson
Allen	Cobb	Dominick	Graham
Austin	Collier	Doster	Graves
Ball	Cook	Ellis	Green
Barnes	Davis (Madison)	Flowers	Hardwick
Brown (Covington)	Dearman	Gewin	Hill

Jones	Newman	Scott	Thomas
Langley	Owens	Segrest	Tidmore
Martin	Peacock	Sessions	Toomer
Megginson	Petrey	Sightler	Waldrop
Miller	Pitts	Smyer	Wallace
McCord	Pool	Spence	Waller
McDanal	Robertson (Cullman)	Stallings	Welch
Nation	Sadler	Stone	Whigham
Neighbors	Sanderson		
<i>Nays:</i> Mr. Mathews (Clarke).			

—58

— 1

BILL INDEFINITELY POSTPONED

On motion of Mr. Austin, the bill, H. 931, was indefinitely postponed.

BILLS ON THIRD READING

H. 1017. To amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of One hundred dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Was read a third time at length and passed.

Yeas, 75; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Doster	Miller	Sessions
Allen	Flowers	McCord	Sherrer
Austin	Gewin	McDanal	Sightler
Bagley	Golson	McGowin	Smyer
Ball	Graham	Nation	Spence
Barnes	Graves	Neighbors	Stallings
Brown (Covington)	Green	Newman	Stone
Brown (Lee)	Gwin	Norman (Bullock)	Thomas
Carwile	Hall	Norman (Lowndes)	Tidmore
Christopher	Hardwick	Owens	Toomer
Cobb	Henson	Payne	Tucker
Collier	Hill	Phillips	Wallace
Cook	Jones	Pitts	Waller
Davis (Madison)	Langley	Pool	Welch
Dearman	Locke	Robertson (Cullman)	Whigham
Delony	Lovelace	Robinson (Lowndes)	White
Devers	Martin	Sadler	Wood
Dobbs	Mayhall	Sanderson	Young
Dominick	Megginson	Scott	

—75

On motion of Mr. Sadler, the bill, H. 1017, was ordered sent forthwith to the Senate without engrossment.

H. 548. To encourage the development of the natural resources of Alabama by giving a maximum exemption of fifty thousand dollars (\$50,000.00) in State taxes to the person firm or corporation that produces the first commercial oil or gas well within the State.

Was read a third time at length and passed.

Yeas, 66; Nays, 1.

Yeas:

Mr. Speaker	Doster	McDanal	Scott
Allen	Flowers	McGowin	Segrest
Austin	Gewin	Nation	Sherrer
Bagley	Golson	Neighbors	Sightler
Ball	Graves	Newman	Smyer
Barnes	Green	Norman (Bullock)	Stallings
Branyon	Gwin	Norman (Lowndes)	Stone
Brown (Lee)	Hall	Owens	Taylor
Christopher	Henson	Payne	Tidmore
Cobb	Hill	Phillips	Toomer
Collier	Jones	Pitts	Tucker
Cook	Kaul	Quarles	Wallace
Cope	Locke	Robertson (Cullman)	Waller
Davis (Madison)	Lovelace	Robinson (Lowndes)	Weston
Dearman	Martin	Robinson (St. Clair)	Whigham
Devers	Meggins	Sanderson	Young
Dominick	Miller		

—66

Nay: Mr. Peacock.

— 1

On motion of Mr. Whigham, the bill, H. 548, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 728: To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of a sign or placard at the place of sale or delivery, stating the price of each product sold, to require that all sales made at such place be at the price shown on the sign or placard, to prohibit wholesale sales except to licensed retailers and to fix penalties for the violation hereof.

Was taken up. The question was upon the adoption of the Amendment reported by the Standing Committee on Public Roads and Highways, said committee amendment being as follows:

PUBLIC ROADS AND HIGHWAYS COMMITTEE AMENDMENT TO H. 728

Amend House Bill No. 728 by adding to Section 1 thereof and immediately after the words "Stating the price or prices of each such product" the words "the octain rating thereof as shown by state test".

On motion of Mr. Wallace the amendment reported by the Standing Committee on Public Roads and Highways was laid on the table.

Mr. Wallace offered the following substitute for the bill, H. 728.

Substitute bill for House bill 728:

A BILL

To be entitled An Act to regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle or to deliver into any motor vehicle for actual or apparent use therein, any product whatsoever for use in supplying, creating or generating motive power to such motor vehicle, or lubricating oil for such motor vehicle, unless such person, firm or corporation shall conspicuously and plainly post at the place of such sale or delivery, a sign or placard, stating the price or prices of each such product, amount of tax to be stated separately, and so that such prices can be read and easily distinguished by brand or other designation in legible words, letters and figures of uniform size and dimensions, which said sign or placard shall be so located and placed that it may easily be seen and read by purchasers or prospective purchasers of such product or oil.

Section 2. BE IT FURTHER ENACTED, That it shall be unlawful for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle, for actual or apparent use therein, any product whatsoever for use in supplying, creating, or generating motive power to such motor vehicle, or lubricating oil for such motor vehicle, at any price or prices, except the exact price or prices contained on the sign or placard required by this Act, or to offer, deliver, grant, allow, give or promise, any actual prospective, contingent, immediate or future benefits, concessions, discounts, refunds, premiums, or gratuities of any kind or nature whatsoever, which in any degree, manner or extent, shall be calculated or intended to effect or accomplish a sale of such product for other than said posted price or prices.

Section 3. BE IT FURTHER ENACTED, That the term "motor vehicle" as used in this Act shall include all vehicles propelled by any power other than muscular power.

Section 4. BE IT FURTHER ENACTED, That a violation of this Act shall constitute a misdemeanor punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding six months, or both, each day or part of a day shall constitute a separate offense.

Section 5. BE IT FURTHER ENACTED, That justice of the peace courts and all other courts of like jurisdiction shall have original and concurrent jurisdiction along with the circuit courts of the State in the enforcement of this Act.

Section 6. BE IT FURTHER ENACTED, That this Act shall take effect thirty days from and after its enactment into law.

Mr. Hodo offered the following amendment to the substitute offered by Mr. Wallace for the bill, H. 728:

Amendment to Substitute for House Bill 728, by Mr. Hodo:

By adding at the end of Section 2. the following words: "This act does not apply to associations having for their purpose the education, promotion, safety and general welfare of the Motorist of the State."

And the Amendment offered by Mr. Hodo to the substitute for the bill, H. 728, was adopted.

Mr. Hodo offered the following amendment to the substitute offered by Mr. Wallace for the bill, 728:

Amend Substitute for House Bill 728 by adding after Amendment No. 1 "that this Act does not apply to a firm or person making a contract at any price.

And the amendment offered by Mr. Hodo to the substitute for the Bill, H. 728 was adopted.

And the substitute offered by Mr. Wallace for the Bill, H. 728 as amended was adopted:

Yeas, 61; Nays, 5.

Yeas:

Mr. Speaker	Devers	Jones	McDanal
Allen	Dobbs	Kaul	Nation
Barnes	Dominick	Locke	Neighbors
Brown (Lee)	Doster	Lovelace	Norman (Bullock)
Carwile	Gewin	Martin	Norman (Lowndes)
Christopher	Graves	Mathews (Clarke)	Owens
Cook	Hall	Matthews (Jackson)	Payne
Cope	Hardwick	Mayhall	Petrey
Davis (Madison)	Hare	Megginson	Pitts
Dearman	Hill	Miller	Quarles
Delony	Hodo	McCord	Robertson (Cullman)

Sadler	Sightler	Stallings	Tucker
Scott	Smyer	Stone	Waldrop
Robinson (Lowndes)	Snyder	Tidmore	Wallace
Segrest	Spence	Toomer	Welch
Sessions			
—61			
<i>Nays:</i>			
Messrs.:	Henson	Sanderson	Waller
Brown (Covington)	Newman		
— 5			

And said bill:

H. 728: To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of a sign or placard at the place of sale or delivery, stating the price of each product sold, to require that all sales made at such place be at the price shown on the sign or placard, to prohibit wholesale sales except to licensed retailers and to fix penalties for the violation hereof.

As amended by the substitute offered by Mr. Wallace, as amended, was read a third time at length and passed.

Yeas, 64; Nays, 6.

<i>Yeas:</i>			
Mr. Speaker	Devers	Miller	Scott
Allen	Dobbs	McCord	Segrest
Austin	Doster	McDanal	Sessions
Bagley	Gewin	Nation	Sightler
Ball	Graves	Neighbors	Smyer
Barchard	Green	Norman (Bullock)	Spence
Barnes	Hall	Norman (Lowndes)	Stallings
Brown (Lee)	Hardwick	Owens	Thomas
Carwile	Hare	Payne	Toomer
Castleberry	Hill	Petrey	Tucker
Cobb	Hodo	Phillips	Waldrop
Cook	Jones	Pitts	Wallace
Cope	Langley	Pool	Waller
Davis (Madison)	Lovlace	Robertson (Cullman)	Welch
Dearman	Mathews (Clarke)	Sadler	Weston
Delony	Mayhall	Sanderson	Wood
—64			

<i>Nays:</i>			
Messrs.:	Henson	Peacock	Young
Brown (Covington)	Newman	Tidmore	
— 6			

H. 961. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in the several counties of the State to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

Was read a third time at length and passed.

Yeas, 62; Nays, 1.

Yeas:

Mr. Speaker	Ellis	Miller	Robinson (St. Clair)
Allen	Flowers	McCord	Sadler
Austin	Garrett	McDanal	Scott
Ball	Gewin	Nation	Sessions
Barnes	Golson	Neighbors	Smyer
Branyon	Graves	Newman	Stallings
Brown (Covington)	Green	Norman (Lowndes)	Tidmore
Brown (Lee)	Gwin	Owens	Toomer
Carwile	Hall	Payne	Waldrop
Castleberry	Hardwick	Petrey	Waller
Cobb	Haynes	Phillips	Welch
Cook	Hill	Pitts	Whigham
Davis (Madison)	Langley	Pool	White
Dearman	Mathews (Clarke)	Robertson (Cullman)	Wood
Delony	Matthews (Jackson)	Robinson (Lowndes)	Young
Doster	Mayhall		

—62

Nays: Mr. Peacock.

— 1

On motion of Mr. Pitts the bill, H. 961, was ordered sent forthwith to the Senate without engrossment.

H. 644. To protect the users of liquified petroleum gases.

Was taken up. Messrs. Sherrer and Ball offered the following substitute for the bill, H. 644:

A substitute bill for House bill 644, by Mr. Sherrer and Mr. Ball:

A BILL

To be entitled An Act to protect the users of liquified petroleum gases and to provide regulations for the sale of said gases for domestic and industrial use and to provide for posting of bonds with the Superintendent of Insurance and to provide specifications for installation of tanks for the use of said gases to consumers and to provide for penalties for violation of this Act, and to regulate the use and installation of said gases generally.

Be it enacted by the Legislature of Alabama:

Section I: That any person or persons, firms or corporations, municipalities or associations, manufacturers or jobbers, who sell or offer for sale or install containers, plant assembly system or equipment for storage, transportation, handling, or utilization of liquified petroleum gases for the purpose of providing gas for industrial,

commercial and domestic use shall post a \$5,000.00 surety bond with the Superintendent of Insurance as State Fire Marshall Ex-Officio, guaranteeing that each such installation shall be designed, constructed, equipped and installed in conformity to the regulations and specifications, and in the manner as specified, under the published regulations of the National Board of Fire Underwriters set out in their pamphlet number 58 effective July 1st, 1937, and amendments or revisions thereto.

Section II: Any of the parties mentioned in Section I of this act, before engaging in the business of selling liquified petroleum gases, shall make application to the Superintendent of Insurance as State Fire Marshall Ex-Officio on forms provided by the Superintendent of Insurance and upon the filing of such application, the Superintendent of Insurance acting as State Fire Marshall Ex-Officio is of the opinion that the applicant is a suitable person to engage in the business of selling liquified petroleum gases, and upon the filing and approval of the bond as provided in Section I, the Superintendent of Insurance acting as Ex-Officio Fire Marshall shall issue the applicant a permit to engage in the business of selling liquified petroleum gases and selling and installing equipment for the use of these gases. The failure of any person as defined in this Act to post the required bond, shall disqualify such person or persons from selling gas as herein defined in this Act and from installing equipment for the use of same and should any person as herein defined violate any of the rules and regulations promulgated by the Superintendent of Insurance as State Fire Marshall Ex-Officio or violate any of the provisions of this Act, it shall be the duty of the Superintendent of Insurance acting as State Fire Marshall Ex-Officio to revoke the permit issued by him and in addition to revoking the permit the person, firm, corporation, association or such other person as herein defined shall be guilty of a misdemeanor and upon conviction shall not be fined more than \$500.00 and may in the discretion of the court trying the case, be sentenced to hard labor for not more than six months.

Section III: That containers and pertinent equipment subject to the regulation and bearing the stamp of approval of the Interstate Commerce Commission and containers which are owned and in use by the Government of the United States shall be exempt from the provisions of this Act.

Section IV: It shall be the duty of the person or persons, firm, corporation distributor of liquified gases or employee of such to report to the State Fire Marshall Ex-Officio the name and address of the owner or user of any installation, container, equipment, plant assembly and or system which is being used in violation of the regulations provided in this Act.

Section V: If any section, clause or paragraph of this Act or the application of such provision to any person, body or circumstance shall be held invalid or unconstitutional the remainder of this Act or the application of such section, clause or provision to persons, bodies or circumstances other than those as to which it is held invalid shall not be effected by such holding of invalidity or such part so held invalid or unconstitutional.

Section VI: This act shall become effective thirty days after its passage and approval by the Governor or it otherwise becoming a law.

And the substitute offered by Messrs. Sherrer and Ball for the Bill, H. 644, was adopted.

Yeas, 53; Nays, 1.

Yeas:

Mr. Speaker	Gwin	McCord	Sessions
Bagley	Hardwick	McDanal	Sherrer
Ball	Hare	Newman	Sightler
Brown (Lee)	Haynes	Owens	Smyer
Carwile	Hill	Peacock	Stallings
Cobb	Hodo	Petrey	Stone
Cope	Jones	Pitts	Tidmore
Davis (Madison)	Langley	Robertson (Cullman)	Tucker
Dearman	Locke	Robinson (Lowndes)	Walden
Dobbs	Martin	Robinson (St. Clair)	Waldrop
Dominick	Matthews (Jackson)	Sadler	Waller
Flowers	Megginsin	Sanderson	Welch
Gewin	Miller	Segrest	Young
Golson			

—53

Nays: Mr. Weston.

— 1

And said bill:

H. 644. To protect the users of liquified petroleum gases.

As amended by the substitute offered by Messrs. Sherrer and Ball, was read a third time at length and passed.

Yeas, 53; Nays, 1.

Yeas:

Mr. Speaker	Flowers	Locke	Pitts
Bagley	Gewin	Martin	Robertson (Cullman)
Ball	Golson	Matthews (Jackson)	Robinson (Lowndes)
Brown (Lee)	Gwin	Megginsin	Robinson (St. Clair)
Carwile	Hardwick	Miller	Sadler
Cobb	Hare	McCord	Sanderson
Cope	Haynes	McDanal	Segrest
Davis (Madison)	Hill	Newman	Sessions
Dearman	Hodo	Owens	Sherrer
Dobbs	Jones	Peacock	Sightler
Dominick	Langley	Petrey	Smyer

Stallings	Tucker	Waldrop	Welch	
Stone	Walden	Waller	Young	
Tidmore				—53

Nays: Mr. Weston. — 1

H. 742. To amend Section 10637 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Doster	Martin	Sherrer
Austin	Ellis	Matthews (Jackson)	Sightler
Ball	Flowers	Mayhall	Smyer
Barchard	Garrett	Meggins	Spence
Brown (Covington)	Gewin	Miller	Stone
Brown (Lee)	Golson	Neighbors	Thomas
Carwile	Graham	Newman	Tidmore
Collier	Graves	Norman (Lowndes)	Tucker
Davis (Madison)	Gwin	Peacock	Walden
Dearman	Hare	Petrey	Waldrop
Delony	Havnes	Robertson (Cullman)	Waller
Devers	Hill	Robinson (Lowndes)	Welch
Dobbs	Langley	Scott	Young
Dominick	Locke	Segrest	

—55

On motion of Mr. Smyer the bill, H. 742, was ordered sent forthwith to the Senate without engrossment.

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a nonresident domiciled in another state wherein such intangible property is subjected to death taxation.

Was read a third time at length and passed.

Yeas, 52; Nays, 2.

<i>Yeas:</i>			
Mr. Speaker	Golson	Neighbors	Smyer
Ball	Graves	Newman	Spence
Brown (Covington)	Green	Norman (Lowndes)	Stallings
Brown (Lee)	Gwin	Payne	Stone
Carwile	Hardwick	Phillips	Taylor
Davis (Madison)	Hare	Pitts	Thomas
Dearman	Hodo	Robertson (Cullman)	Tidmore
Dominick	Jones	Robinson (Lowndes)	Tucker
Doster	Kaul	Sadler	Walden
Ellis	Matthews (Jackson)	Sanderson	Waller
Flowers	Meggins	Scott	Welch
Garrett	Miller	Segrest	Wood
Gewin	McGowin	Sightler	Young

—52

Nays: Messrs.: McCord, Norman (Bullock).

— 2

On motion of Mr. Smyer the bill, H. 976, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 696. To Amend Sections 2, 3, and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act entitled "an Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing such insurance agents, (General Acts Alabama, 1927, page 34)'" , approved September 14, 1935.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Insurance and Insurance Companies said committee substitute being as follows:

Committee substitute for H. 696:

A BILL

To be entitled An Act to Amend Sections 2, 3, and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing such insurance agents, (General Acts Alabama, 1927, page 34)'" , approved September 14, 1935.

Be it enacted by the Legislature of Alabama:

SECTION 1. That Section 2 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act approved September 14, 1935, entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled

'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents' " shall be amended so as to read as follows:

"Section 2. Agents must qualify before entering business; Requirements:

No person shall act as an insurance agent unless he shall have complied with all laws governing insurance agents and shall have procured a license as required by the Laws of Alabama. Each Applicant for such license shall file with the Superintendent of Insurance his written application for a license authorizing him to act as an insurance agent, which application shall be accompanied by a statement signed and sworn to by such applicant on a blank furnished by the Superintendent of Insurance setting forth such facts as he may require, and shall be accompanied by affidavits of an official or representative of the insurer authorized to transact business in the State or of a licensed insurance agent of this State representing the same type of carrier for which the applicant seeks a license, setting forth that the applicant is personally known to him; that the applicant has actual experience or has been instructed in the line or lines of insurance for which he seeks a license; and that the applicant is of good moral character and reputation."

SECTION 2. That Section 3 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act approved September 14, 1935, entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents' " shall be amended so as to read as follows:

"Section 3. Examination of applicants for license, duties of the Superintendent of Insurance:

It shall be the duty of the Superintendent of Insurance, in person or by his deputy, or any competent salaried employee of his office he may designate to represent him, to subject each first time applicant for license, and if he deems necessary any applicant for renewal of license, to examination as to his qualifications to act as such agent, and when the Superintendent of Insurance is satisfied that the applicant (a) has such business reputation and moral character as to make it probable that he can and will carry on the business

of an agent without detriment to the public, and (b) has had actual experience or instruction and training in said respective line or lines of insurance for which he seeks a license, and (c) is reasonably familiar with the insurance laws of this State and with the provisions, terms and conditions of the policies or contracts he is proposing to solicit, negotiate or effect; and (d) has not committed any act which would constitute grounds for the revocation or suspension of a license to act as insurance agent, and (e) intends to engage actively in the business covered by such license and in good faith to serve the public and is not procuring the license chiefly for the purpose of obtaining a rebate of premium or commission on insurance written for himself or his family or some partnership or corporation in which he is interested as stockholder or otherwise or with which he is connected as officer, agent or employee, the Superintendent of Insurance shall issue to the applicant a license to act as agent for any insurer certifying such applicant's name and paying the license fee required by law. Provided, however, that the examination provided for in this section may be conducted either in person or by mail as the Superintendent of Insurance may determine. If the Superintendent of Insurance shall find that such person does not possess such qualifications as shall entitle him to such license, he shall reduce his findings to writing under his official seal, file the same in his office, and shall deny such applicant a license. Such licenses shall expire on December 31st of each year, unless sooner revoked for cause by said Superintendent of Insurance. "Provided that sub-section (e) above shall not be construed to deprive any agent now engaged in business as a bona fide agent and presently licensed, of the right to continue in business as an insurance agent."

SECTION 3. That Section 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance Agents" as amended by an Act approved September 14, 1935, entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents'" shall be amended so as to read as follows:

"Section 4. Revocation or suspension of license for cause. (a) The Superintendent of Insurance may of his own motion and must upon an appropriate written complaint verified by the affidavit of any citizen of this State conduct a hearing upon any charges con-

stituting grounds for the revocation or suspension of the license held by any insurance agent. Upon such hearing the Superintendent of Insurance shall revoke or suspend the license of such agent if it is established to his reasonable satisfaction that the holder of such license (1) has subsequent to the passage of this act and within 2 years next preceding the filing of such charges violated any provisions of the insurance laws of this State; or (2) has made a material misstatement in the application for his license; or (3) has been guilty of fraudulent or dishonest practices; or (4) has within 2 years next preceding the filing of such charges made any fraudulent misrepresentations in connection with the solicitation or acceptance of any premium, or (5) has withheld or failed upon proper demand to account to any insurance company or any agent or any policy holder for any moneys or funds of such company, agent or policy holder, which have come into his possession; or (6) has demonstrated his incompetence or untrustworthiness to transact business as an insurance agent in such manner as will reasonably protect the interest of the public; or (7) is no longer bona fide carrying on the business of any insurance agent, but holds his license chiefly for the purpose of obtaining rebates of premiums or commissions on insurance written for himself or his family or some partnership or corporation in which he is interested as stockholder or otherwise or with which he is connected as officer, agent or employee, or (8) has been guilty of unfair business practices in his dealings as agent and, without excluding of any other action which shall constitute unfair business practices, it shall constitute unfair business practices within the meaning of this section for any such agent to induce, persuade or advise any person or policy holder to surrender or cause to be cancelled any contract or policy issued by any insurance company to such persons or policy holders in exchange for a contract or policy of insurance offered by such agent, or his privies, where such surrender or cancellation shall proximately result to the financial detriment of such person or policy holder. Upon the conclusion of any such investigation and hearing, the Superintendent of Insurance shall reduce his findings and order in connection therewith to writing under his official seal and file the same in his office.

(b) Such hearings shall be held in the offices of the Superintendent of Insurance or at such other place in the City of Montgomery as the Superintendent of Insurance may designate and notice of the time and place of such hearing, together with a copy of the charges against such agent, shall be given the agent charged, and the company or companies represented by him, by registered mail, return receipt requested, at least twenty days before the day the hearing is had, and the Superintendent of Insurance may continue such hearing from time to time without further notice.

(c) The action of the Superintendent of Insurance in refusing to issue or renew any license in the manner provided in Section 3 hereof or in revoking or suspending any license in the manner hereinabove provided may, upon appropriate petition filed at any time within thirty (30) days thereafter, be reviewed by the Circuit Court of Montgomery County on a writ of certiorari. Upon the filing of such petition, the petitioner shall file with the clerk of such court a bond, with good and sufficient sureties to be approved by the Clerk, conditioned to pay all costs which may be assessed against the petitioner in such proceedings.

(d) Any person whose license to act as insurance agent shall have been revoked shall not be eligible to apply for another such license within two years from the effective date of such revocation."

WHEN APPLICANT A CORPORATION: If a corporation shall desire a license as hereinabove set out, it shall be entitled to receive the same, provided it shall have paid the fees required by law, and provided, further, it shall file its application with the Superintendent of Insurance, and when the Superintendent of Insurance shall have become satisfied from affidavits submitted upon blanks furnished by the said Superintendent of Insurance (1) that the applicant is controlled by duly qualified agents, authorized to act as insurance agents in Alabama, and (2) that the business proposed to be transacted shall be solicited only through such agents as have been duly qualified to solicit insurance under the terms of this Act.

Whenever it shall be brought to the attention of the Superintendent of Insurance that the provisions of subsections (1) and (2) no longer exist, it shall be the duty of the Superintendent of Insurance to revoke said license. In the event there should arise a dispute of fact in reference to the existence of the facts referred to in subsections (1) and (2) above, the Superintendent of Insurance shall hold hearings as provided for in this Act.

SECTION 4. This Act shall become effective immediately upon its passage and approval.

And the substitute reported by the Standing Committee on Insurance and Insurance Companies for the Bill, H. 696 was adopted.

Yeas, 33; Nays, 21.

Yeas:

Mr. Speaker
Bagley
Barnes
Castleberry
Collier
Dearman
Dominick

Flowers
Gewin
Gwin
Hare
Hodo
Langley
Locke

Lovelace
Miller
McCord
McGowin
Owens
Payne
Pitts

Sadler
Scott
Segrest
Sessions
Stone
Taylor
Thomas

Tucker	Waller	Welch	Young	
Waldrop				—33
<i>Nays:</i>				
Messrs.:	Hall	Norman (Lowndes)	Sightler	
Cobb	Hardwick	Peacock	Stallings	
Cook	Matthews (Jackson)	Robertson (Cullman)	Tidmore	
Delony	Neighbors	Robinson (Lowndes)	Weston	
Ellis	Newman	Sanderson	Wood	
Graham	Norman (Bullock)			—21

And said bill:

H. 696. To Amend Sections 2, 3, and 4 of an Act approved February 10, 1927, entitled "An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents" as amended by an Act entitled "An Act to amend Sections 2, 3 and 4 of an Act approved February 10, 1927, entitled 'An Act to define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing such insurance agents, (General Acts Alabama, 1927, page 34)'", approved September 14, 1935.

As amended by the substitute, was read a third time at length and lost.

Yeas, 25; Nays, 37.

<i>Yeas:</i>				
Mr. Speaker	Dominick	Martin	Sessions	
Austin	Gewin	Miller	Smyer	
Bagley	Gwin	Owens	Snyder	
Ball	Hill	Pitts	Stone	
Carwile	Hodo	Sadler	Tucker	
Davis (Madison)	Langley	Scott	Welch	
Dearman				—25
<i>Nays:</i>				
Messrs.:	Hare	Norman (Lowndes)	Sanderson	
Barnes	Henson	Payne	Sightler	
Brown (Covington)	Jones	Peacock	Stallings	
Cobb	Locke	Petrey	Thomas	
Cope	Mathews (Clarke)	Phillips	Tidmore	
Delony	Megginson	Quarles	Waller	
Ellis	McCord	Robertson (Cullman)	Weston	
Graham	Neighbors	Robinson (Lowndes)	Whigham	
Hall	Newman	Robinson (St. Clair)	Wood	
Hardwick	Norman (Bullock)			—37

H. 737. To amend Section 9 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935 and known as House Bill No. 324.

Was read a third time at length and passed.

Yeas, 55; Nays, 1.

<i>Yeas:</i>			
Mr. Speaker	Ellis	McDanal	Sightler
Austin	Flowers	Nation	Smyer
Bagley	Gewin	Neighbors	Stallings
Ball	Green	Newman	Stone
Barnes	Gwin	Norman (Lowndes)	Thomas
Brown (Covington)	Hall	Owens	Tidmore
Brown (Lee)	Hill	Payne	Tucker
Carwile	Hodo	Pitts	Wallace
Davis (Madison)	Jones	Pool	Welch
Dearman	Kaul	Robertson (Cullman)	Weston
Delony	Langley	Robinson (Lowndes)	Whigham
Devers	Matthews (Jackson)	Robinson (St. Clair)	Wood
Dominick	Megginsin	Sanderson	Young
Doster	Miller	Sessions	

—55

Nays: Mr. Peacock.

— 1

On motion of Mr. Welch the bill, H. 737, was ordered sent forthwith to the Senate without engrossment.

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

Was read a third time at length and passed.

Yeas, 55; Nays, 1.

<i>Yeas:</i>			
Mr. Speaker	Flowers	Miller	Sightler
Austin	Gewin	McDanal	Stallings
Bagley	Gwin	McGowin	Stone
Barnes	Hall	Neighbors	Thomas
Brown (Covington)	Hardwick	Newman	Tidmore
Brown (Lee)	Hill	Norman (Bullock)	Toomer
Cope	Hodo	Owens	Tucker
Davis (Madison)	Jones	Payne	Waldrop
Dearman	Kaul	Petrey	Wallace
Delony	Langley	Pitts	Waller
Devers	Lovelace	Quarles	Welch
Dominick	Mathews (Clarke)	Sadler	Whigham
Doster	Matthews (Jackson)	Scott	Young
Ellis	Megginsin	Sessions	

—55

Nays: Mr. Peacock.

— 1

On motion of Mr. McGowin the bill, H. 934, was ordered sent forthwith to the Senate without engrossment.

H. 938. To amend Sections 9426 and 9427 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Green	Nation	Segrest
Austin	Gwin	Neighbors	Sessions
Bagley	Hare	Newman	Sightler
Ball	Henson	Norman (Bullock)	Smyer
Barnes	Hill	Owens	Stallings
Brown (Covington)	Hodo	Payne	Stone
Brown (Lee)	Kaul	Peacock	Thomas
Carwile	Langley	Petrey	Tidmore
Castleberry	Lovelace	Phillips	Toomer
Davis (Madison)	Martin	Pitts	Tucker
Dearman	Mathews (Clarke)	Pool	Waldrop
Delony	Mathews (Jackson)	Robertson (Cullman)	Wallace
Doster	Megginsin	Robinson (Lowndes)	Waller
Ellis	Miller	Robinson (St. Clair)	Welch
Flowers	McDanal	Sadler	Weston
Gewin	McGowin	Scott	Young
Graham			

—66

On motion of Mr. Gowin the bill, H. 938, was ordered sent forthwith to the Senate without engrossment.

H. 958. To amend Schedule 22 of Section 348, Article XIII, Chapter 1, of an Act entitled "An Act To Provide for the General Revenue of the State of Alabama," approved July 10, 1935, Schedule 22 B.

Was read a third time at length and passed.

Yeas, 60; Nays, 1.

Yeas:

Mr. Speaker	Graham	McDanal	Sightler
Austin	Green	McGowin	Smyer
Bagley	Gwin	Nation	Snyder
Ball	Hall	Neighbors	Stallings
Barnes	Hare	Norman (Bullock)	Stone
Brown (Lee)	Hill	Payne	Thomas
Carwile	Hodo	Peacock	Tidmore
Castleberry	Jones	Petrey	Toomer
Dearman	Langley	Pitts	Tucker
Delony	Lovelace	Robertson (Cullman)	Wallace
Devers	Martin	Robinson (St. Clair)	Waller
Ellis	Mathews (Clarke)	Sadler	Welch
Flowers	Mathews (Jackson)	Scott	Weston
Garrett	Megginsin	Segrest	Whigham
Gewin	Miller	Sessions	Young

—60

Nays: Mr. Walden.

— 1

On motion of Mr. Jones the bill, H. 958, was ordered sent forthwith to the Senate without engrossment.

H. 960. To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed:

Was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Hare	Nation	Smyer
Bagley	Haynes	Neighbors	Snyder
Ball	Henson	Newman	Stone
Brown (Lee)	Hill	Norman (Lowndes)	Thomas
Collier	Hodo	Owens	Tidmore
Davis (Madison)	Jones	Payne	Toomer
Delony	Langley	Petrey	Tucker
Devers	Lovelace	Robertson (Cullman)	Wallace
Doster	Martin	Robinson (Lowndes)	Waller
Flowers	Matthews (Jackson)	Sadler	Welch
Gewin	Megginson	Scott	Weston
Green	Miller	Segrest	Whigham
Gwin	McCord	Sessions	Wood
Hardwick	McDanal	Sightler	Young

—56

On motion of Mr. Young the bill, H. 960, was ordered sent forthwith to the Senate without engrossment.

RECESS

On motion of Mr. Norman of Bullock the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty o'clock P. M., having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House.

H. 827. To amend an Act entitled "An Act to Amend Schedule 154 of Article XIII, Chapter 1, Section 348 of an Act approved July 10, 1935, entitled 'An Act to Provide for the General Revenue of the State of Alabama,' " approved February 2, 1937.

Also:

H. 192. To amend Subsections (2), (4(b)), (5) and (6) of Section 346.1, Chapter 1, Article 12, of the Revenue Act of 1935 relating to financial institutions.

Also:

H. 439. To Amend Subdivision (3) of Section 345.10 and Subdivision (4) of Section 345.18 of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Merrill, the House concurred in and adopted the Senate amendment to the bill, H. 827, said Senate amendment being as follows:

Amend House Bill 827:

Amend Section 1 by substituting a comma for the period following the word "Corporation" in line 12 and adding immediately thereafter the following:

"Nor to coin-operated gas meters, nor to coin-operated telephones, nor to machine vending postage stamps."

Amend House Bill 827 by adding after the words "as required herein" the fifteenth line in Schedule 154 as set forth in Section 1 of said H. B. 827, the following:

Provided, further, that no license for vending machines, vending merchandise in industrial plants or on private property for use of employees, or machines on which persons are weighed, shall be required, if in lieu thereof, the person, firm or corporation engaged in the business of operating such machines shall have applied for and obtained an occupational license and shall have paid therefor, as follows:

In counties of 60,000 inhabitants or less.....	\$30.00
In counties of 60,001 and not exceeding 125,000 inhabitants	\$60.00
In counties of 125,001 inhabitants and over.....	\$80.00

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Delony	Lovelace	Pool
Austin	Dominick	Martin	Quarles
Bagley	Doster	Mathews (Clarke)	Robertson (Cullman)
Ball	Flowers	Matthews (Jackson)	Scott
Barchard	Garrett	Mayhall	Sightler
Barnes	Gewin	Megginson	Spence
Boswell	Graham	Miller	Stallings
Brown (Covington)	Green	McGowin	Stone
Brown (Lee)	Gwin	Nation	Thomas
Carwile	Hall	Neighbors	Tucker
Castleberry	Hardwick	Newman	Waldrop
Cobb	Haynes	Norman (Bullock)	Welch
Collier	Hill	Owens	Whigham
Cook	Hodo	Peacock	White
Cope	Kaul	Petrey	Wood
Davis (Madison)	Langley	Pitts	Young
Dearman	Locke		

—66

On motion of Mr. Robertson of Cullman, the House concurred in and adopted the Senate amendment to the bill, H. 192, said Senate amendment being as follows:

Substitute for Committee Substitute for House Bill No. 192:

A BILL

To be entitled An Act to amend Subsections (2), (4(b)), and 5 of Section 346.1, Chapter 1, Article 12, of the Revenue Act of 1935 relating to financial institutions.

Be it enacted by the Legislature of Alabama:

Section 1. That subsections (2), (4(b)), and (5) of Section 346.1, Chapter 1, Article 12, of the Revenue Act of 1935 be amended to read as follows:

Subsection 2. Interest. All interest paid or accrued within the taxable year on the indebtedness of said business. Also, all dividends paid or accrued within the taxable year on the shares of preferred stock held or owned by RECONSTRUCTION FINANCE CORPORATION or any other governmental agency.

Subsection 4 (b). No loss shall be allowable unless the property is actually disposed of and the loss thereby determined or an appraisal of the loss is made and allowed under the supervision of

the STATE DEPARTMENT OF REVENUE except as herein after provided.

Subsection 5. Bad Debts. Debts ascertained to be worthless and charged off within the taxable year. Provided, however, that a schedule of such debts shall be filed and the reasons supporting such claim for deduction be filed with the return. Provided, further, that bad debts shall not include losses on stocks and bonds or a reduction in the market value of such stocks and bonds except where loss is determined by the sale of such securities. Provided, however, in the case of any financial institution required by law to be examined by State, Federal, or Federal Reserve Bank Examiners, such debts can be charged off and to such an amount or extent as required to be charged off by State, Federal, or Federal Reserve Bank Examiners. And provided further than any reduction in the book value of any stocks or bonds carried on the books of any such financial institution required by any State, Federal, or Federal Reserve Bank Examiners shall be allowed as proper deductions by the STATE TAX COMMISSION. Provided, further, that on the sale of any securities, the book value of which has been reduced on the requirement of such Examiners, and the reduction so made claimed as a deduction, accomplishing a reduction of the tax paid, any excess of the sale price over said book value of such securities shall be reflected as income and subject to the excise tax levied by this chapter. Provided, further, that when in the opinion of State, Federal, or Federal Reserve Bank Examiners a debt is recoverable only in part and when a part of such debt is charged off by requirement of State, Federal, or Federal Reserve Bank Examiners, the STATE TAX COMMISSION shall allow a deduction in an amount equal to the amount of such charge-off.

Section 2. This Act shall become effective upon its passage and approval by the Governor.

Yeas, 60; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Langley	Quarles
Austin	Dominick	Locke	Robertson (Cullman)
Bagley	Doster	Mathews (Clarke)	Robinson (Lowndes)
Ball	Flowers	Matthews (Jackson)	Sadler
Barchard	Garrett	Mayhall	Scott
Barnes	Gewin	Megginson	Sessions
Boswell	Golson	Miller	Snyder
Brown (Covington)	Green	McCord	Spence
Brown (Lee)	Gwin	McGowin	Stallings
Castleberry	Hall	Nation	Stone
Cobb	Hardwick	Neighbors	Thomas
Cook	Henson	Norman (Bullock)	Tidmore
Cope	Hill	Owens	Tucker
Dearman	Hodo	Payne	Wallace
Delony	Kaul	Pitts	Welch

On motion of Mr. Smyer, the House concurred in and adopted the Senate amendment to the bill, H. 439, said Senate amendment being as follows:

Amend H. B. 439 by striking out in the Section 1 in next to the last line, the word "corporation" after the words "any resident".

Yeas, 63; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Megginson	Scott
Allen	Doster	Miller	Segrest
Austin	Flowers	McDanal	Smyer
Ball	Gewin	McGowin	Snyder
Barchard	Golson	Neighbors	Spence
Boswell	Graham	Norman (Bullock)	Stallings
Brown (Covington)	Green	Owens	Stone
Brown (Lee)	Gwin	Payne	Taylor
Carwile	Hall	Peacock	Thomas
Castleberry	Hardwick	Phillips	Tidmore
Cobb	Henson	Pitts	Tucker
Collier	Hill	Quarles	Waller
Cope	Kaul	Robertson (Cullman)	Welch
Dearman	Martin	Robinson (Lowndes)	Whigham
Delony	Mathews (Clarke)	Robinson (St. Clair)	Wood
Dobbs	Mayhall	Sadler	

—63

Mr. McGowin moved that the House concur in the Senate amendment to the bill, H. 782, said Senate amendment being as follows:

Amend House Bill No. 782 by striking therefrom the last paragraph of Section 1 thereof and substituting in lieu thereof the following:

"Notwithstanding anything in this schedule to the contrary, aftercosts of collection as hereinabove in this schedule provided for, the sum of ten thousand four hundred twenty dollars shall be deducted monthly from the proceeds of the two cent tax dealt with in this schedule before any distribution of such proceeds in accordance with the foregoing provisions of this schedule, and only the balance of such proceeds, after such costs of collection and such deduction of ten thousand four hundred twenty dollars, shall be subject to distribution in accordance with the scheme of distribution hereinabove in this schedule provided. The said monthly deduction of ten thousand four hundred twenty dollars shall be set aside in a fund to the credit of the several cities and towns in the state heretofore incorporated, and said fund shall be semiannually apportioned among, and paid to, the said several incorporated cities and towns in the state on the basis of the ratio of the population of each such city or town to the total population of all such cities and towns, according to the then last federal census. All monies received by municipalities under this schedule shall be

used exclusively for the construction, improvement and maintenance of highways or streets and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may have been pledged, and for no other purposes.

Mr. Ellis moved a substitute for the motion of Mr. McGowin that the House nonconcur in the Senate amendment to the bill, H. 782. Mr. McGowin moved to table the motion of Mr. Ellis, and the motion to table was lost.

Yeas, 39; Nays, 46.

Yeas:

Mr. Speaker	Flowers	Megginson	Snyder
Allen	Green	McCord	Spence
Austin	Gwin	McGowin	Stallings
Bagley	Hardwick	Sanderson	Stone
Barchard	Hare	Scott	Toomer
Branyon	Haynes	Segrest	Tucker
Brown (Lee)	Hodo	Sessions	Waldrop
Chewning	Kaul	Sherrer	Welch
Delony	Langley	Sightler	Waller
Dominick	Martin	Smyer	

—39

Nays:

Messrs.:	Doster	Mayhall	Pitts
Ball	Ellis	Miller	Robertson (Cullman)
Barnes	Garrett	McDanal	Robinson (Lowndes)
Boswell	Gewin	Nation	Sadler
Brown (Covington)	Golson	Neighbors	Thomas
Carwile	Graham	Newman	Tidmore
Castleberry	Hall	Norman (Bullock)	Walden
Cook	Henson	Owens	Whigham
Cope	Hill	Payne	White
Davis (Madison)	Locke	Peacock	Wood
Dearman	Mathews (Clarke)	Petrey	Young
Dobbs	Mathews (Jackson)	Phillips	

—46

On motion of Mr. Ellis, the House non-concurred in the Senate amendment to the bill, H. 782. And on motion of Mr. Ellis, a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 782. The Speaker named as the Committee of Conference on the part of the House, Messrs. Ellis, McGowin, and Tidmore.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 660. To amend Section XXXV of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8, 1939.

J. E. Speight,
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

And requests a Committee on Conference.

Messrs. Simpson, Harris and Street have been named as Conferencees on the part of the Senate.

J. E. Speight,
Secretary

SENATE MESSAGE

On motion of Mr. Dominick, the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two houses on the House amendment to the bill, H. 369.

And the Speaker named a Committee of Conference on the part of the House, Messrs. Dominick, Martin and Mayhall.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House.

H. 691. To amend Schedule 133 of Section 348, of Article XIII, of "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Norman of Bullock, the House concurred in and adopted the Senate amendment to the bill, H. 691, said Senate amendment being as follows:

Amend subsection (c) of Section 1 of House Bill 691 by striking all the balance of said subsection after the words "shall be defined as follows" where they appear together, and by substituting in lieu thereof the following words:

"A corporation or association composed of ten or more persons, which shall have been organized at least six months prior to the holding of the Fair, and which holds an annual fair and at which not less than twenty exhibits of agricultural, livestock or mineral products are shown and upon which prizes are offered."

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	McCord	Sessions
Allen	Dominick	McDanal	Sightler
Austin	Doster	McGowin	Smyer
Ball	Flowers	Nation	Snyder
Barnes	Garrett	Neighbors	Spence
Boswell	Gewin	Norman (Bullock)	Stallings
Brown (Covington)	Golson	Owens	Stone
Brown (Lee)	Graham	Peacock	Thomas
Carwile	Hall	Phillips	Tidmore
Castleberry	Hardwick	Pitts	Toomer
Chewning	Haynes	Quarles	Tucker
Cobb	Mathews (Clarke)	Robertson (Cullman)	Wallace
Cook	Matthews (Jackson)	Sadler	Waller
Cope	Mayhall	Sanderson	Welch
Davis (Madison)	Megginson	Scott	Whigham
Delony	Miller	Segrest	Wood

—64

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

H. 644. To protect the users of liquified petroleum gases and to provide regulations for the sale of said gases for domestic and industrial use and to provide for posting of bonds with the Superintendent of Insurance and to provide specifications for installation of tanks for the use of said gases to consumers and to provide for penalties for violation of this Act, and to regulate the use and installation of said gases generally.

Also:

H. 728. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

BILLS ON THIRD READING

H. 1036. To validate and make payable out of the General fund of Autauga County, Alabama all outstanding and unpaid warrants, issued to John A. Dickinson, as Judge of the Civil and Criminal Court of said county, and to authorize the Board of Revenue of said County to prescribe the manner in which said warrants are to be paid.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hardwick	Pool
Allen	Delony	Hare	Quarles
Austin	Devers	Hill	Robertson (Cullman)
Bagley	Dobbs	Hodo	Sadler
Ball	Dominick	Langley	Sanderson
Barchard	Doster	Locke	Stone
Barnes	Ellis	Mayhall	Taylor
Booth	Flowers	Megginson	Thomas
Boswell	Garrett	Miller	Tidmore
Branyon	Gewin	McCord	Toomer
Christopher	Golson	McDanal	Tucker
Clayton	Graham	McGowin	Walden
Cobb	Graves	Nation	Waldrop
Collier	Green	Neighbors	Wallace
Cook	Gwin	Newman	Waller
Cope	Hall	Pitts	Welch
Davis (Madison)			

On motion of Mr. Doster the bill, H. 1036, was ordered sent forthwith to the Senate without engrossment.

H. 1040. To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gewin	Locke	Smyer
Ball	Golson	Miller	Snyder
Barnes	Graham	McCord	Spence
Booth	Graves	McDanal	Stallings
Boswell	Green	McGowin	Stone
Branyon	Gwin	Nation	Taylor
Carwile	Hall	Neighbors	Thomas
Castleberry	Haynes	Newman	Tidmore
Chewning	Henson	Owens	Toomer
Christopher	Hill	Payne	Tucker
Clayton	Hodo	Pitts	Walden
Cobb	Jenkins	Pool	Waldrop
Collier	Jones	Robinson (Lowndes)	Wallace
Cook	Kaul	Robinson (St. Clair)	Waller
Cope	Langan	Sadler	Welch
Davis (Madison)	Langley	Scott	Weston
Garrett			

—65

On motion of Mr. Cook the bill, H. 1040, was ordered sent forthwith to the Senate without engrossment.

H. 842. To amend Sections 8106 and 8629 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gwin	Nation	Taylor
Ball	Hall	Neighbors	Thomas
Barchard	Hill	Newman	Tidmore
Branyon	Hodo	Payne	Toomer
Carwile	Jenkins	Peacock	Tucker
Castleberry	Jones	Petrey	Walden
Chewning	Kaul	Phillips	Waldrop
Christopher	Langan	Pitts	Wallace
Clayton	Langley	Pool	Waller
Collier	Locke	Quarles	Welch
Cook	Lovelace	Sadler	Weston
Cope	Martin	Sanderson	Whigham
Davis (Madison)	Miller	Sightler	White
Gewin	McCord	Smyer	Wood
Golson	McDanal	Snyder	Wright
Graham	McGowin	Stone	Young

—65

On motion of Mr. Welch the bill H. 842, was ordered sent forthwith to the Senate without engrossment.

H. 1032. To provide that membership in any national, State or local committee of any political party, or the holding of an office in a partisan or political club, shall not disqualify a person to hold any position to which any county-wide Civil Service System is or may be applicable, under any law now or hereafter existing, providing for a county-wide Civil Service System in any County in the State of Alabama, having according to the last or any future Federal Census, a population in excess of 100,000 inhabitants, and less than 300,000 inhabitants, provided said person held the membership or office in said political party on the date of the adoption of the said Civil Service System.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hardwick	Norman (Lowndes)
Allen	Delony	Hare	Phillips
Austin	Devers	Haynes	Pitts
Bagley	Dobbs	Henson	Robertson (Cullman)
Barnes	Dominick	Hill	Robinson (Lowndes)
Beck	Doster	Langan	Robinson (St. Clair)
Booth	Ellis	Mayhall	Sightler
Boswell	Flowers	Meggins	Smyer
Branyon	Garrett	Miller	Snyder
Brown (Covington)	Gewin	McCord	Spence
Brown (Lee)	Golson	McDanal	Stallings
Clayton	Graham	McGowin	Stone
Cobb	Graves	Nation	Walden
Collier	Green	Neighbors	Waldrop
Cook	Gwin	Newman	Wallace
Cope	Hall	Norman (Bullock)	Wright
Davis (Madison)			

—65

On motion of Mr. Stone the bill, H. 1032, was ordered sent forthwith to the Senate without engrossment.

H. 1033. For the Relief of Horace Turner, Out of the Road and Bridge Fund of Mobile County, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Barchard	Clayton	Davis (Madison)
Allen	Barnes	Cobb	Delony
Austin	Booth	Collier	Devers
Bagley	Boswell	Cook	Gewin
Ball	Branyon	Cope	Golson

Graham	Locke	Payne	Spence
Graves	Mathews (Clarke)	Pitts	Stallings
Green	Matthews (Jackson)	Pool	Stone
Gwin	Mayhall	Quarles	Taylor
Hall	Megginson	Scott	Thomas
Hill	Miller	Segrest	Weston
Hodo	McGowin	Sessions	Whigham
Jenkins	Nation	Sherrer	White
Jones	Neighbors	Sightler	Wood
Kaul	Newman	Smyer	Wright
Langan	Owens	Snyder	Young
Langley			

—65

On motion of Mr. Stone the bill, H. 1033, was ordered sent forthwith to the Senate without engrossment.

H. 947. To define, regulate and license barbers and barber colleges, and other like businesses in Walker County, Alabama; to create a Barbers' Commission for Walker County, Alabama, and to give the same power and jurisdiction to approve agreement fixing minimum prices for barber shops in Walker County, Alabama; defining additional powers of the Barbers' Commission of Walker County, Alabama, and providing penalties for the violation of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Garrett	Megginson	Taylor
Allen	Gewin	Miller	Thomas
Austin	Golson	McCord	Tidmore
Bagley	Graham	McDanal	Toomer
Ball	Graves	McGowin	Tucker
Barchard	Hare	Nation	Walden
Barnes	Haynes	Neighbors	Waldrop
Booth	Henson	Newman	Wallace
Boswell	Hill	Payne	Waller
Branyon	Hodo	Pitts	Welch
Clayton	Jenkins	Quarles	Weston
Cobb	Jones	Scott	Whigham
Collier	Kaul	Segrest	White
Cook	Langan	Sessions	Wood
Cope	Langley	Sherrer	Wright
Davis (Madison)	Locke	Stone	Young
Dearman			

—65

On motion of Mr. Scott the bill, H. 947, was ordered sent forthwith to the Senate without engrossment.

H. 964. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Was read a third time at length and passed.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Megginson	Segrest
Austin	Gewin	Miller	Sightler
Ball	Golson	McCord	Smyer
Brown (Lee)	Hall	McGowin	Spence
Carwile	Hardwick	Nation	Stone
Chewning	Hare	Neighbors	Taylor
Cobb	Haynes	Owens	Thomas
Collier	Hill	Payne	Tidmore
Cook	Kaul	Peacock	Toomer
Cope	Langley	Petrey	Tucker
Davis (Madison)	Locke	Quarles	Waldrop
Dearman	Lovell	Robertson (Cullman)	Wallace
Delony	Martin	Sadler	Waller
Dobbs	Mayhall	Scott	Welch
Doster			

—57

On motion of Mr. Scott the bill, H. 964, was ordered sent forthwith to the Senate without engrossment.

H. 971. To amend Schedule 138.3 of the General Revenue Act of the Legislature approved July 10th, 1935 entitled "An Act to further provide for General Revenue of the State."

Was read a third time at length and passed.

Yeas, 63; Nays, 1.

Yeas:

Mr. Speaker	Dobbs	Megginson	Sightler
Austin	Doster	Miller	Smyer
Bagley	Gewin	McCord	Snyder
Ball	Golson	McDanal	Spence
Barchard	Graham	Neighbors	Stallings
Barnes	Green	Newman	Stone
Boswell	Hall	Owens	Thomas
Branyon	Hardwick	Payne	Tidmore
Brown (Covington)	Hare	Petrey	Tucker
Brown (Lee)	Haynes	Phillips	Wallace
Carwile	Hill	Pitts	Waller
Chewning	Hodo	Quarles	Welch
Cope	Kaul	Robinson (Lowndes)	Whigham
Davis (Madison)	Langley	Sadler	White
Dearman	Lovell	Scott	Young
Delony	Mathews (Clarke)	Segrest	

—63

Nays: Mr. Peacock.

— 1

On motion of Mr. Tucker the bill, H. 971, was ordered sent forthwith to the Senate without engrossment.

H. 998. To Amend Sub-section (b) of Schedule 158.14 of Section 348 of an Act entitled An Act To Provide for the General Revenue of the State of Alabama, approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 59; Nays, 1.

Yeas:

Mr. Speaker	Delony	McCord	Sightler
Allen	Dobbs	McDanal	Smyer
Austin	Doster	McGowin	Snyder
Bagley	Ellis	Nation	Stallings
Ball	Gewin	Neighbors	Stone
Barnes	Golson	Norman (Bullock)	Thomas
Boswell	Gwin	Norman (Lowndes)	Tidmore
Brown (Covington)	Henson	Phillips	Toomer
Brown (Lee)	Hodo	Pitts	Wallace
Carwile	Langley	Quarles	Waller
Chewning	Locke	Robertson (Cullman)	Welch
Cobb	Mathews (Clarke)	Robinson (Lowndes)	Whigham
Collier	Matthews (Jackson)	Sadler	White
Davis (Madison)	Megginsin	Segrest	Young
Dearman	Miller	Sessions	

—59

Nays: Mr. Peacock.

— 1

On motion of Mr. Snyder the bill, H. 998, was ordered sent forthwith to the Senate without engrossment.

H. 895. To make an appropriation for the support and maintenance of the Florence Crittenton Home.

Was read a third time at length and passed.

Yeas, 89; Nays, 1.

Yeas:

Mr. Speaker	Ellis	Mayhall	Segrest
Allen	Garrett	Megginsin	Sessions
Austin	Gewin	Miller	Sherrer
Bagley	Golson	McCord	Sightler
Ball	Graham	McDanal	Smyer
Barchard	Green	McGowin	Stallings
Barnes	Gwin	Nation	Stone
Boswell	Hall	Neighbors	Taylor
Branyon	Hardwick	Newman	Thomas
Brown (Covington)	Hare	Norman (Bullock)	Tidmore
Brown (Lee)	Haynes	Norman (Lowndes)	Toomer
Carwile	Hill	Owens	Tucker
Chewning	Hodo	Payne	Walden
Christopher	Jenkins	Petrey	Waldrop
Cobb	Jones	Phillips	Wallace
Collier	Kaul	Pitts	Waller
Cope	Langan	Quarles	Welch
Davis (Madison)	Langley	Robertson (Cullman)	Weston
Dearman	Locke	Robinson (Lowndes)	Whigham
Delony	Lovelace	Sadler	White
Dobbs	Martin	Sanderson	Wood
Dominick	Mathews (Clarke)	Scott	Young
Doster			

—89

Nays: Mr. Peacock.

— 1

On motion of Mr. Stone the bill, H. 895, was ordered sent forthwith to the Senate without engrossment.

H. 702. To amend Section 6752 of the Code of Alabama of 1923.

Was taken up.

Mr. Welch offered the following amendment to the bill, H. 702: Amend House Bill 702 by adding at the end thereof immediately following the period the following:

"Provided, however, that the provisions of this Act shall not apply to any county of this state having a population according to the last or any subsequent federal census of 50,000 or more. Provided, further, that this Act shall not operate to repeal any local law effecting any county with respect to the matters contained in this Act."

And the Amendment offered by Mr. Welch to the bill, H. 702, was adopted.

Yeas, 65; Nays, 4.

Yeas:

Mr. Speaker	Golson	McCord	Sightler
Allen	Graham	McDanal	Spence
Austin	Green	Neighbors	Stallings
Bagley	Gwin	Norman (Bullock)	Stone
Ball	Hall	Norman (Lowndes)	Thomas
Barnes	Hardwick	Owens	Tidmore
Brown (Covington)	Hare	Peacock	Toomer
Brown (Lee)	Haynes	Petrey	Tucker
Carwile	Hodo	Pitts	Walden
Chewning	Jenkins	Robertson (Cullman)	Waldrop
Cobb	Kaul	Robinson (Lowndes)	Wallace
Cope	Lovelace	Sadler	Waller
Davis (Madison)	Martin	Sanderson	Welch
Dobbs	Mathews (Clarke)	Scott	Whigham
Dominick	Matthews (Jackson)	Segrest	Wood
Garrett	Miller	Sessions	Young
Gewin			

—65

Nays: Messrs.: Christopher, Collier, Locke, Newman.

— 4

And said bill:

H. 702. To amend Section 6752 of the Code of Alabama of 1923.

As amended by the amendment offered by Mr. Welch, was read a third time at length and passed.

Yeas, 61; Nays, 3.

Yeas:

Mr. Speaker	Dominick	Martin	Sadler
Allen	Doster	Mathews (Clarke)	Sanderson
Bagley	Ellis	Mayhall	Scott
Ball	Gewin	Miller	Segrest
Barnes	Golson	McCord	Sessions
Boswell	Graham	Nation	Smyer
Branyon	Green	Neighbors	Stone
Brown (Covington)	Hall	Norman (Bullock)	Thomas
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Chewning	Hare	Owens	Walden
Cobb	Hill	Payne	Waldrop
Cope	Jenkins	Petrey	Wallace
Davis (Madison)	Jones	Phillips	Welch
Dearman	Langley	Pitts	Wood
Delony	Loveland	Robertson (Cullman)	Young
Dobbs			

—61

Nays: Messrs.: Locke, Newman, Peacock.

— 3

On motion of Mr. Carwile the bill, H. 702, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

Was taken up. The question was upon the adoption of the Substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute for House bill No. 703: —

A BILL

To be entitled An Act to amend Section 6771 of the Code of Alabama of 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6771 of the Code of Alabama of 1923 be, and the same is hereby, amended so as to read as follows:

“6771. Compensation of County Commissioners.

Each member of the Court of County Commissioners, or Board of Revenue, in each of the several counties of the State of Alabama shall be paid for their services the sum of \$4.00 per day while occupied in the discharge of their duties as such member of the Court of County Commissioners or Board of Revenue, and 5c per mile in going to and returning from their respective Courts, and the sum of \$4.00 per day while occupied in the discharge of their duties in letting out, inspecting and accepting, building or repairing any of the County bridges, or County buildings, roads or works, and 5c per mile for each mile necessarily traveled by them

in so doing, said sums to be paid on warrants drawn on the County Treasury on the order of the Court of County Commissioners, or Board of Revenue. No allowance shall be made to any Commissioner for per diem or mileage for inspecting roads, bridges, etc., except when acting under authority of an order by the Commissioners Court previously made. The per diem and mileage of such member for services rendered when letting out, inspecting and accepting, building, or repairing any of the County bridges, roads or works, shall be paid out of any money in the County Treasury, which shall be designated and set apart by the Commissioners Court, or Board of Revenue of their respective counties for the payment thereof.

Mr. Welch offered the following amendment to the substitute reported by the Standing Committee on Judiciary for the bill, H. 703:

Amend Substitute for House Bill 703 by adding at the end thereof immediately following the period the following:

"Provided, however, that the provisions of this Act shall not apply to any county of this state having a population according to the last or any subsequent federal census of 50,000 or more. Provided, further, that this Act shall not operate to repeal any local law effecting any county with respect to the matters contained in this Act."

And the amendment offered by Mr. Welch to the substitute was adopted, and the substitute reported by the Standing Committee on Judiciary for the bill, H. 703, as amended by the amendment offered by Mr. Welch was adopted.

Yeas, 43; Nays, 31.

Yeas:

Mr. Speaker	Cope	Martin	Snyder
Allen	Dearman	Matthews (Jackson)	Spence
Austin	Dobbs	Mayhall	Stallings
Bagley	Dominick	Miller	Stone
Ball	Doster	Nation	Thomas
Barnes	Flowers	Neighbors	Tidmore
Boswell	Gewin	Pitts	Tucker
Branyon	Golson	Robertson (Cullman)	Wallace
Carwile	Hardwick	Sanderson	Waller
Castleberry	Haynes	Segrest	Young
Cobb	Hill	Sightler	

Nays:

Messrs.:	Delony	Jenkins	Mathews (Clarke)
Barchard	Green	Kaul	McCord
Brown (Lee)	Hall	Langley	McDanal
Chewning	Hare	Locke	Newman
Collier	Hodo	Lovelace	Norman (Bullock)

Norman (Lowndes)	Peacock	Sadler	Smyer
Owens	Phillips	Sessions	Toomer
Payne	Robinson (Lowndes)	Sherrer	White

—31

And said bill:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

As amended, was read a third time at length and passed.

Yeas, 42; Nays, 31.

<i>Yeas:</i>			
Mr. Speaker	Dearman	Matthews (Jackson)	Segrest
Allen	Dobbs	Mayhall	Snyder
Bagley	Dominick	Miller	Spence
Ball	Doster	Nation	Stallings
Barnes	Flowers	Neighbors	Thomas
Boswell	Gewin	Petrey	Tucker
Branyon	Golson	Pitts	Waldrop
Carwile	Graham	Quarles	Wallace
Castleberry	Hardwick	Robertson (Cullman)	Waller
Cobb	Haynes	Sanderson	Young
Collier	Hill		

—42

<i>Nays:</i>			
Messrs.:	Hare	Newman	Sadler
Barchard	Jenkins	Norman (Bullock)	Sessions
Brown (Lee)	Kaul	Norman (Lowndes)	Smyer
Chewning	Langley	Owens	Toomer
Christopher	Locke	Payne	Welch
Collier	Lovell	Peacock	Weston
Delony	Mathews (Clarke)	Phillips	Whigham
Green	McCord	Robinson (Lowndes)	White

—31

On motion of Mr. Carwile the bill, H. 703, was ordered sent forthwith to the Senate without engrossment.

H. 1024. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality or other political subdivision of the State: to provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, con-

struction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines; to provide for the payment for voting machines; to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies; to provide for the preparation of voting machines for elections; to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the re-canvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this act," approved August 25, 1939.

Was read a third time at length and passed.

Yeas, 60; Nays, 1.

Yeas:

Mr. Speaker	Dominick
Allen	Doster
Austin	Ellis
Bagley	Flowers
Ball	Gewin
Barchard	Golson
Barnes	Green
Boswell	Gwin
Brown (Covington)	Hall
Carwile	Hare
Chewning	Hill
Cobb	Jones
Collier	Kaul
Delony	Locke
Dobbs	Lovelace

Martin	Sightler
Mayhall	Smyer
McCord	Snyder
McDanaI	Stone
McGowin	Thomas
Neighbors	Toomer
Newman	Tucker
Norman (Bullock)	Walden
Owens	Wallace
Payne	Waller
Petrey	Welch
Quarles	Weston
Robinson (Lowndes)	White
Segrest	Wood
Sessions	Young

—60

Nays: Mr. Peacock.

— 1

On motion of Mr. Gwin the bill, H. 1024, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 125 with suggested Executive Amendments.

Respectfully,
Roland Mushat
Secretary to the Governor.

September 7, 1939

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the body in which it originated, House Bill 125 without my approval.

My objection to said Bill is that it is provided in Section 15 that the first election to determine whether a county shall be a "Stock Law County" or "Open Range County" within the terms of the enactment "may be held in any county at any time prior to the effective date of this Act". No election may be held under an Act prior to its effective date. The Act should be made effective immediately upon its passage and approval by the Governor to the end that local option elections may be held after the effective date of the enactment in accordance with the legislative intention expressed in the Act. The operation of the law insofar as its control of live-stock or animals are concerned should be postponed until March 1st, 1941, in accordance with the legislative intention expressed in the Act.

I suggest the following Executive Amendments which, if adopted, will remove my objection to said Bill:

1. Amend said Bill by striking from Section 15 thereof the following words where they appear together: "The first said election for the determination of this question may be held in any county at any time prior to the effective date of this Act", and by substituting therefor the following: "The first said election for the determination of this question may be held in any county at any time after the effective date of this Act."

2. Amend Section 17 of said Bill by inserting at the beginning of the section the words and figures reading as follows: "On and after March 1st, 1941" so that said Section 17 as amended shall read as follows: "On and after March 1st, 1941, all laws or parts of laws, general, special, local and private in conflict herewith are hereby repealed, except that this Act shall not be construed to repeal any municipal stock law, nor shall an election held hereunder repeal any municipal stock law, nor shall this Act be held to prevent any municipality from enacting a stock law ordinance."

3. Amend said Bill by striking therefrom Section 18 reading as follows: "This Act shall become effective after its passage and approval

by the Governor, on and after March 1, 1941", and by substituting therefor the following: "This Act shall take effect upon its approval by the Governor."

September 7th, 1939

Respectfully,
Frank M. Dixon
Governor

GOVERNOR'S MESSAGE

On motion of Mr. Norman of Bullock, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 125, said Amendment of His Excellency, the Governor, being set out in the above and foregoing Message from the Governor.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Matthews (Jackson)	Scott
Allen	Golson	Mayhall	Segrest
Austin	Graham	Meggins	Sessions
Bagley	Green	Miller	Sightler
Ball	Cwin	McCord	Smyer
Barchard	Hall	McGowan	Snyder
Barnes	Hardwick	Nation	Spence
Boswell	Hare	Neighbors	Stallings
Brown (Covington)	Haynes	Norman (Bullock)	Stone
Brown (Lee)	Hill	Owens	Thomas
Castleberry	Hodo	Payne	Toomer
Chewning	Jenkins	Peacock	Tucker
Cobb	Jones	Petrey	Walden
Collier	Kaul	Phillips	Wallace
Cope	Langley	Pitts	Waller
Davis (Madison)	Locke	Quarles	Welch
Dobbs	Lovelace	Robertson (Cullman)	Whigham
Dominick	Martin	Sadler	White
Doster	Mathews (Clarke)	Sanderson	

—75

Which was a majority of the whole number elected to the House.

And said bill:

H. 125. To provide a Local Option Stock Law for the State of Alabama with the County as the unit; to provide local option elections to be held in any county to determine whether it shall be lawful for cows, calves, yearlings, oxen and bulls to go at large in any such county; to provide that this Act shall be designated and cited as "The Local Option Stock Law for the State of Alabama with the County as the Unit"; to make it unlawful for livestock or other animals to run at large upon the premises of another or on the public lands, roads, highways or streets in the State of Alabama; to make the owner thereof liable for damages done by such

live-stock or animals; to provide for the taking up of such live-stock or animals by the owner or person in possession of any land so trespassed upon, or an agent of such parties or by any member of the State Highway Patrol, the Sheriff and his deputies of any county, the constable of any precinct, or any law enforcement officer of any municipality, and for the payment of certain fees in connection therewith; to provide for notice to the owner of any live-stock or animals taken up if such owner be known; to provide for proceedings before justices of the peace, mayors, or recorder's court in reference to the taking up of such live-stock or animals and for the payment of costs incurred in such suits; to provide also for the ascertainment and payment of damages to property caused by live-stock or animals unlawfully at large, and orders or judgments to be made in connection therewith, and for the enforcement thereof, and to provide for appeals to be taken from any judgment rendered by any justice of the peace, mayor or recorder under the provisions of this Act to the Circuit Court, or other court of like jurisdiction; to provide that in counties or municipalities where live-stock or animal pounds are maintained, any person or officer seizing any livestock or animal may deliver such live-stock or animal so seized to the poundkeeper for safekeeping; to provide that the owner of any live-stock or animal seized under the provisions of this enactment may make bond for the recovery of the live-stock or animal; to provide further for the sale of such live-stock or animal after the ascertainment of damages; to define and limit the term "live-stock" or "animal"; to define "open range county" and "stock law county" and to provide that no liability shall attach to any owner or operator of any vehicle of any kind who may injure or kill in either "open range" or "stock law" counties any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat or pig, while at large on any public highway; and to repeal all laws, general, special, local, and private, and parts of laws in conflict herewith.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Brown (Lee)	Doster	Haynes
Allen	Castleberry	Flowers	Hill
Austin	Chewning	Golson	Hodo
Bagley	Cobb	Graham	Jenkins
Ball	Collier	Green	Jones
Barchard	Cope	Gwin	Kaul
Barnes	Davis (Madison)	Hall	Langley
Boswell	Dobbs	Hardwick	Locke
Brown (Covington)	Dominick	Hare	Lovelace

Martin	Norman (Bullock)	Sanderson	Thomas
Mathews (Clarke)	Owens	Scott	Toomer
Matthews (Jackson)	Payne	Segrest	Tucker
Mayhall	Peacock	Sessions	Walden
Megginson	Petrey	Sightler	Wallace
Miller	Phillips	Smyer	Waller
McCord	Pitts	Snyder	Welch
McGowin	Quarles	Spence	Whigham
Nation	Robertson (Cullman)	Stallings	White
Neighbors	Sadler	Stone	

—75

Which was a majority of the whole number elected to the House.

BILL ON THIRD READING

H. 803. To amend Section 4622 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 38; Nays, 33.

<i>Yeas:</i>			
Mr. Speaker	Garrett	McCord	Sightler
Allen	Green	Norman (Bullock)	Smyer
Boswell	Gwin	Norman (Lowndes)	Stone
Brown (Lee)	Hardwick	Owens	Taylor
Cope	Hare	Quarles	Tucker
Davis (Madison)	Hodo	Robinson (Lowndes)	Walden
Delony	Jones	Sanderson	Waller
Dobbs	Kaul	Segrest	Weston
Dominick	Locke	Sessions	Young
Flowers	Megginson		

—38

<i>Nays:</i>			
Messrs.:	Doster	Matthews (Jackson)	Peacock
Austin	Ellis	Mayhall	Pitts
Ball	Golson	Miller	Scott
Barchard	Hall	McDanal	Spence
Barnes	Haynes	Nation	Stallings
Branyon	Hill	Neighbors	Waldrop
Brown (Covington)	Jenkins	Newman	Wallace
Chewning	Langley	Payne	Wood
Collier	Mathews (Clarke)		

—33

On motion of Mr. Segrest the bill, H. 803, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 353. To amend Section 3 of an Act entitled "An Act for providing medical, surgical, corrective and other services, care and treatment, and facilities for diagnosis, hospitalization and aftercare for children who are crippled or who are suffering from conditions which lead to a crippling, and to provide for its administration," approved September 9, 1935.

Also:

S. 116. To amend Section 1106 of the Code of Alabama, 1923, as amended by the Legislature, of 1927, relating to the control of venereal disease.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following resolution:

H. J. R. 116. Relative to the Legislature of Alabama urging all of the citizens of the State of Alabama against price raising of commodities and profiteering at the expense of our people.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on Senate amendment to the bill:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of

Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Messrs. Shaver, St. John and Carlton have been named conferees on the part of the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House.

H. 365. To amend, by adding thereto Section 5 $\frac{3}{4}$ an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8th, 1939.

Also:

H 951. To make a further appropriation of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Gewin, the House concurred in and adopted the Senate amendment to the bill, H. 365, said Senate amendment being as follows:

Substitute for House bill No. 365:

A BILL

To be entitled An Act to amend Section V of an Act entitled "An Act to further provide for the general revenue of the State of Alabama", approved February 8, 1939.

Be it enacted by the Legislature of Alabama:

Section 1. That Section V of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved

February 8, 1939, be and the same is hereby amended so as to read as follows:

"Section V. EXEMPTIONS: There are however exempted from the provisions of this act and from the computation of the amount of the tax levied, assessed or payable under this Act the following: (a). The gross proceeds of sales of tangible personal property or the gross receipts of any business which the State is prohibited from taxing under the constitution or laws of the United State of America or under the constitution of this state. (b) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama. (c). The gross proceeds of the sales of lubricating oil and gasoline as defined in Schedules 138 and 156, respectively, of Section 348 of House Bill 324, approved July 10, 1935, or any amendments thereto, which are otherwise taxed. (d) The gross proceeds of the sales of textbooks used in elementary schools, high schools, and institutions of higher learning. (e) The gross proceeds of sales of alcoholic and/or cerral beverages, the sale of which is now, or may hereafter, be controlled and/or licensed under the provisions of the "Alabama Beverage Control Act", or any amendments thereto. (f). The gross proceeds of sales of livestock, poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm. (g). The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" as used in this Act, shall not be construed to include cotton seed meal, when not in combination with other materials. (h). The gross proceeds of the sale, or sales, of seeds for planting purposes. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products. (i). The gross proceeds of the sale, or sales of boxes, crates, bags, bagging, ties, barrels, or other containers and the labels thereof used in preparing agricultural products, dairy products, grove or garden products for market, including barrels and other containers and the labels thereof used in preparing turpentine gum, gum spirits of turpentine and gum resin for market, when such boxes, crates, bags, bagging, ties, barrels and other containers and the labels thereof are to be sold or furnished by the seller of the products contained therein to

the purchaser of such products. (j). The gross proceeds of the sale, or sales of newsprint paper, newspapers and religious publications. (k). The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used, (1) in manufacturing tangible personal property for sale, (2) for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for sale, (3) for the generation of motive power for transportation. (l). The gross proceeds of the sale, or sales of those articles containing tobacco, as enumerated in and taxed under the provisions of Schedule 159 of Section 348 of H. B. 324 approved July 10, 1935, and any amendments thereto. (m). The gross receipts from the business on which, or for engaging in which a license or privilege tax is levied by or under the provisions of Section 140, 141, 142, 143, 145, 146, 147 and 149 of H. B. 324 approved July 10, 1935, entitled "An Act to provide for the general revenue of the State of Alabama," or any amendments thereto. Provided, however, that nothing contained in this sub-section shall be construed to exempt or relieve the person or persons operating the businesses enumerated in said sections 140, 141, 142, 143, 145, 146, 147 and 149 from the payment of the tax levied by this Act upon or measured by the gross proceeds of sales of any tangible personal property, (except gas and water, the gross receipts from the sales of which are the measure of the tax levied by said section 140), merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this Act. (n). The gross proceeds of the sale or sales of railroad rails, railroad cars and vessels, and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof. (o). The gross proceeds of the sale or sales of lunches to school children when such sales are made within school buildings and are not for profit. (p). The gross proceeds of sale or sales of used automotive vehicles. (q). The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the Public Service Commission of Alabama or like regulatory bodies. (r). The gross proceeds of the sale of machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments

and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. (s). The gross proceeds of the sale or sales of fluid milk as is now or may hereafter be defined by law when such sale or sales are made by a distributor who has purchased such fluid milk or the milk processed into such fluid milk direct from the producer thereof. Provided, however, that the term 'distributor' as used here shall not be construed to include hotels, restaurants, cafes, cafeterias, drug stores, grocery stores and other retail establishments where milk is served or sold for consumption on the premises or as an incident to the principal business.

Yeas, 58; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Doster	Mayhall	Scott
Allen	Gewin	Megginson	Segrest
Bagley	Golson	Miller	Sessions
Ball	Green	McCord	Smyer
Barnes	Hall	McGowin	Stallings
Boswell	Hardwick	Neighbors	Taylor
Branyon	Hare	Newman	Thomas
Brown (Covington)	Hill	Payne	Toomer
Brown (Lee)	Hodo	Petrey	Walden
Chewning	Jenkins	Pitts	Wallace
Christopher	Jones	Quarles	Waller
Cobb	Kaul	Robinson (Lowndes)	Welch
Cope	Locke	Sadler	White
Davis (Madison)	Lovelace	Sanderson	Young
Dominick	Mathews (Clarke)		

—58

On motion of Mr. Jones, the House concurred in and adopted the Senate amendment to the bill, H. 951, said Senate amendment being as follows:

Amend House Bill 951 by striking the amount \$50,000.00 wherever it appears in words or figures and substituting the amount \$100,000.00.

Yeas, 63; Nays, 1.

<i>Yeas:</i>			
Mr. Speaker	Cope	Gwin	Mayhall
Allen	Davis (Madison)	Hardwick	Miller
Austin	Delony	Hare	McCord
Ball	Dominick	Haynes	Nation
Barchard	Doster	Hill	Neighbors
Barnes	Flowers	Hodo	Norman (Bullock)
Brown (Lee)	Garrett	Jenkins	Norman (Lowndes)
Carwile	Gewin	Jones	Owens
Chewning	Golson	Langley	Payne
Cobb	Graham	Lovelace	Petrey
Collier	Green	Martin	Quarles

Robertson (Cullman)	Sightler	Thomas	Waller
Robinson (Lowndes)	Smyer	Toomer	Welch
Sadler	Spence	Tucker	Wood
Sanderson	Stone	Walden	Young
Scott	Taylor	Waldrop	

—63

Nays: Mr. Peacock.

— 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for cooperation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

Said Conference report being in words and figures as follows, to-wit:

REPORT OF CONFERENCE COMMITTEE ON SENATE

BILL NO. 369

To The President of the Senate:

To The Speaker of the House:

Your Committee of Conference on the disagreement between the House and the Senate as to Senate Bill No. 369 begs leave to report as follows:

Your Committee recommends that the House recede from its amendment in the following words:

"Amend Senate Bill No. 369 by adding thereto the following:

Section 19½.—Provided, further however, that there is hereby appropriated out of the general funds of the State of Alabama, the sum of \$25,000 a year for each of the calendar years 1940, 1941, 1942, and 1943, which said sum is to be used exclusively for the purpose of providing in the several counties without matching by the counties of the State old age assistance, to be divided among the several counties according to population, and none of said funds shall be used for any other purpose whatsoever."

And that the said amendment be stricken and the bill, without said amendment, be passed by both houses.

Respectfully submitted,

Senate Conferees:

NORMAN W. HARRIS

T. H. STREET

J. A. SIMPSON

House Conferees:

AUBREY DOMINICK

W. L. MARTIN, JR.

I do not consent:

ROY MAYHALL

And said bill, S. 369, was again read a third time at length after the adoption of the Conference report, and passed.

Yeas, 22; Nays, 0.

And sends same, together with the Conference Report herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Dominick moved that the House concur in and adopt the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 369. And the motion of Mr. Dominick was lost.

Yeas, 22; Nays, 50.

Yeas:

Mr. Speaker	Flowers
Austin	Garrett
Cope	Hare
Davis (Madison)	Jones
Dominick	Martin
Doster	Miller

McGowin
Neighbors
Pitts
Segrest
Smyer

Stone
Taylor
Toomer
Tucker
Waldrop

—22

Nays:

Messrs.:	Ellis	Matthews (Jackson)	Robinson (Lowndes)
Allen	Gewin	Mayhall	Scott
Bagley	Golson	McCord	Sightler
Ball	Graham	McDanal	Spence
Barnes	Green	Nation	Stallings
Boswell	Hall	Newman	Thomas
Branyon	Hill	Norman (Bullock)	Walden
Brown (Covington)	Hodo	Norman (Lowndes)	Waller
Carwile	Jenkins	Owens	Weston
Castleberry	Kaul	Payne	Whigham
Chewning	Langley	Peacock	Wood
Cobb	Locke	Petrey	Young
Delony	Mathews (Clarke)	Quarles	

—50

On motion of Mr. Mayhall, the House non-concurred in the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 369. And on motion of Mr. Mayhall, the Conferees on the part of the House were directed to again confer with the Senate conferees on the disagreement of the two houses on the House amendment to the bill, S. 369.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

By Mr. Young:

S. 439. To amend Sections 423 and 424 of the Alabama School Code of 1927.

Also:

By Mr. Young:

S. 494. To amend Subsection 11 of Subdivision XIII of Section 2 of an Act entitled "An Act to make appropriations for the ordinary expenses of the executive and judicial departments of the State, for the interest on the public debt, and for the public schools," approved August 24, 1939.

Also:

By Mr. Young:

S. 497. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time, and referred to appropriate standing committees as follows:

Education—S. 439; S. 497.

Appropriations—S. 494.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. Lusk:

S. 435. To amend Subsection 21 of Section 5 of the "Department of Finance Act of 1939", approved March 7, 1939.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 435.

BILLS ON THIRD READING

(With amendment):

H. 802. To amend Section 3738 of the Code of Alabama, 1923.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

JUDICIARY COMMITTEE AMENDMENT TO H. 802

Amend H. 802 by striking therefrom Section 2 as the same now appears therein and substituting in lieu thereof Section 2 to read as follows:

Section 2. That this Act shall become effective as soon after its passage and approval by the Governor, or its otherwise becoming a law, as the same may be operative in all the counties of the State without offending the provisions of Section 281 of the Constitution of Alabama as to any deputy or county solicitor now in office.

And the amendment reported by the Standing Committee on Judiciary to the bill, H. 802, was adopted.

Yeas, 39; Nays, 18.

Yeas:

Mr. Speaker	Delony	Owens	Smyer
Allen	Doster	Payne	Stone
Austin	Graham	Peacock	Taylor
Barnes	Jones	Pitts	Thomas
Boswell	Kaul	Quarles	Tidmore
Brown (Lee)	Locke	Sadler	Tucker
Carwile	Lovelace	Sanderson	Waldrop
Cobb	Martin	Segrest	Waller
Cope	Mayhall	Sessions	Young
Davis (Madison)	McCord	Sherrer	

—39

Nays:

Messrs.:	Golson	Langley	Newman
Ball	Green	Matthews (Jackson)	Scott
Brown (Covington)	Hall	McDanal	Spence
Ellis	Hill	Nation	Stallings
Flowers	Jenkins	Neighbors	

—18

Mr. Mayhall offered the following amendment to the bill, H. 802.

AMENDMENT TO HOUSE BILL 802

To amend House Bill No. 802 as follows: By striking \$10.00 and adding in lieu thereof \$30.00 in the following Section: For each conviction of any law prohibiting the keeping, sale or having in possession spirituous, vinous, or malt liquors not herein otherwise provided for \$10.00.

On motion of Mr. Cope the amendment offered by Mr. Mayhall was tabled.

Yeas, 38; Nays, 31.

Yeas:

Mr. Speaker	Hare	Owens	Sherrer
Allen	Hodo	Phillips	Sightler
Boswell	Jones	Pitts	Smyer
Brown (Lee)	Kaul	Pool	Stallings
Cobb	Locke	Quarles	Stone
Cope	Lovelace	Robinson (St. Clair)	Thomas
Davis (Madison)	Meggins	Sanderson	Tucker
Delony	Miller	Segrest	Waller
Doster	McCord	Sessions	Young
Gwin	Neighbors		

—38

Nays:

Messrs.:	Gewin	Mathews (Clarke)	Robinson (Lowndes)
Austin	Golson	Matthews (Jackson)	Sadler
Ball	Graham	Mayhall	Scott
Barchard	Green	McDanal	Spence
Barnes	Hall	Nation	Tidmore
Brown (Covington)	Hardwick	Newman	Waldrop
Castleberry	Hill	Payne	Wallace
Ellis	Jenkins	Peacock	Wood

—31

And said bill:

H. 802. To amend Section 3738 of the Code of Alabama, 1923.

As amended by the amendment reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 38; Nays, 30.

Yeas:

Mr. Speaker	Gwin	Pitts	Smyer
Barnes	Hare	Pool	Stallings
Boswell	Hodo	Quarles	Stone
Brown (Lee)	Jones	Robinson (St. Clair)	Taylor
Cobb	Kaul	Sanderson	Thomas
Cope	Locke	Segrest	Tidmore
Davis (Madison)	McCord	Sessions	Tucker
Delony	Neighbors	Sherrer	Waller
Doster	Owens	Sightler	Young
Green	Peacock		

—38

Nays:

Messrs.:	Garrett	Martin	Payne
Ball	Gewin	Mathews (Clarke)	Sadler
Barchard	Golson	Mathews (Jackson)	Scott
Brown (Covington)	Graham	Mavhall	Spence
Castleberry	Hall	Miller	Waldrop
Chewing	Hill	McDanal	Wallace
Ellis	Jenkins	Nation	Wood
Flowers	Langley	Newman	

—30

On motion of Mr. Segrest the bill, H. 802, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 779. To amend Section 346.5 of Chapter 1 of Article XII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 780. To amend Schedule 158.19 of Chapter 6 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 886. To provide for the disposition and use of the profits of the State Liquor Stores operated under the Alabama Beverage Control Act.

Also:

H. 352. To amend Schedule 12 of Section 348, of the Revenue Act of 1935, approved July 10, 1935, as amended by Act No. 163 of the 1936-1937 Extra Session of the Legislature of Alabama.

Also:

H. 510. To provide for the transfer of any unencumbered balance in the Highway Patrol Fund at the end of each two-year licensing period provided for in Section 1 of an Act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration, examination and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the Director of Public Safety, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issues; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; and to repeal all laws and parts of laws in conflict herewith," approved March 18, 1939, into the State Treasury to the credit of the General Fund.

Also:

H. 513. To provide that all moneys accruing to or collected by or through the Department of Commerce or any bureau or division thereof, or as a result of any law which the Department of Commerce or any bureau or division thereof may now or hereafter be charged with the duty of administering shall, when collected, be covered into the State Treasury to the credit of the General Fund.

Also:

H. 514. To provide that all moneys accruing to or collected by or through the State Securities Commission or as a result of any statute which said State Securities Commission may now or hereafter be charged with the duty of administering shall when collected, be covered into the State Treasury to the credit of the General Fund.

Also:

H. 516. To amend Section 1 of an Act entitled "An Act to provide that the proceeds of the excise tax levied by Schedule 138.1 of Section 348 of Chapter 1 of Article XIII of an Act entitled 'An Act to provide for the general revenues of the State of Alabama,' approved July 10, 1935, commonly known as the lubricating oil tax, shall, when collected, be covered into the State Treasury to the credit of the State Highway Patrol Fund, and to repeal all laws and parts of laws, general, special or local, in conflict herewith," approved March 17, 1939.

Also:

H. 490. To amend Section XXII of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 28, 1939.

Also:

H. 937. To provide a use tax upon tobacco products; to require returns showing the amount of such tax; to provide assessment of such tax and appeals therefrom; to provide execution and garnishment for the collection of such tax; to provide that such tax shall constitute a debt secured by a lien; to require the preservation and inspection of records and provide penalties for the failure thereof; to provide for the disposition of revenues so collected.

Also:

H. 926. To authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

Also:

H. 944. To authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the dis-

position of the proceeds thereof, and to authorize the purchase of bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

Also:

H. 511. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:

H. 609. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Also:

H. 522. To make an appropriation for the support and maintenance of the Tuskegee Institute.

Also:

H. 887. To amend Schedule 158.15 of Article 13 Chapter 6 of "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 829. To amend Section 345.28 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 892. To Amend Schedule 158.10 of Section 348, Article XIII, Chapter 6, of an Act "To provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 893. To amend subsection (f) of Section V of an act approved February 8, 1939, entitled "An Act to further provide for the general revenue of the State of Alabama."

Also:

H. 896. To amend an Act of the legislature of Alabama approved March 26, 1936, entitled "An Act to amend Section 3 of Article 1 of an act entitled 'An Act to provide for the general revenue of the State of Alabama,' approved July 10, 1935."

Also:

H. 904. To amend Schedule 158.11 of Chapter 6, Article 13 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 668. To amend section 4549 of the 1923 Code of Alabama, so as to permit indictments to be recorded by means of a photograph or photostat machine.

Also:

H. 669. To amend Section 6507 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 670. To amend section 6724 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 671. To amend section 10129 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 706. To allow the Sheriff of Cleburne County, Alabama, a Deputy Sheriff in addition to the Chief Deputy Sheriff and fix his maximum salary and make it payable out of the General Fund of the County in equal monthly installments.

Also:

H. 730. To provide for the manner of electing the members of the Butler County Board of Education, and to specify the Districts from which they must be elected.

Also:

H. 630. To provide for the payment of the traveling and mileage expenses of the Superintendent of Education of Bibb County, Alabama, incurred by him in the discharge of his official duties, and to provide for the method and manner of paying the same.

Also:

H. 718. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this Act.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 970. To make an appropriation for the publication of the Alabama Official and Statistical Register.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Mayhall	Sessions
Bagley	Dominick	Miller	Sightler
Ball	Doster	McCord	Smyer
Barnes	Ellis	McDanal	Spence
Branyon	Garrett	McGowin	Stallings
Brown (Covington)	Gewin	Nation	Stone
Brown (Lee)	Golson	Neighbors	Taylor
Carwile	Graham	Newman	Thomas
Castleberry	Green	Phillips	Tidmore
Chewning	Haynes	Pitts	Waldrop
Christopher	Hill	Pool	Wallace
Cobb	Hodo	Quarles	Waller
Cope	Jones	Robinson (St. Clair)	Welch
Davis (Madison)	Kaul	Sadler	Weston
Dearman	Locke	Sanderson	Wood
Delony	Martin	Scott	Young

—64

On motion of Mr. Waller the bill, H. 970, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Appropriations, said committee amendment being as follows:

APPROPRIATIONS COMMITTEE AMENDMENT

Amend House bill 967:

Section 2. The Sum appropriated in this act shall be paid out of any monies in the treasury not otherwise appropriated, subject to the Budget and Financial Control Act and contingent upon the approval of the Governor.

And the amendment reported by the Standing Committee on Appropriations to the bill, H. 967 was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Brown (Lee)	Dominick	Green
Allen	Castleberry	Doster	Gwin
Austin	Chewning	Ellis	Hall
Bagley	Davis (Madison)	Flowers	Hill
Barnes	Dearman	Garrett	Jones
Boswell	Delony	Gewin	Kaul
Brown (Covington)	Dobbs	Golson	Langley

Martin	Newman	Segrest	Tucker
Mathews (Clarke)	Owens	Sessions	Waldrop
Matthews (Jackson)	Payne	Sherrer	Wallace
Mayhall	Pitts	Sightler	Waller
Miller	Pool	Smyer	Welch
McCord	Quarles	Stone	Whigham
McDanal	Sadler	Taylor	White
McGowin	Sanderson	Thomas	Wood
Nation	Scott	Tidmore	Young
Neighbors			

—65

And said bill:

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

As amended by the amendment reported by the Standing Committee on Appropriations.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	McCord	Sherrer
Allen	Garrett	McDanal	Sightler
Austin	Gewin	McGowin	Smyer
Bagley	Golson	Nation	Stone
Barnes	Green	Neighbors	Taylor
Boswell	Gwin	Newman	Thomas
Brown (Covington)	Hall	Owens	Tidmore
Brown (Lee)	Hill	Payne	Tucker
Castleberry	Jones	Pitts	Waldrop
Chewning	Kaul	Pool	Wallace
Davis (Madison)	Langley	Quarles	Waller
Dearman	Martin	Sadler	Welch
Delony	Mathews (Clarke)	Sanderson	Whigham
Dobbs	Matthews (Jackson)	Scott	White
Dominick	Mayhall	Segrest	Wood
Doster	Miller	Sessions	Young
Ellis			

—65

On motion of Mr. Sadler the bill, H. 967, was ordered sent forthwith to the Senate without engrossment.

(With substitute):

H. 754. To amend Section 7028 of the Code of Alabama of 1923.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Commerce and Common Carriers, and committee amendment being as follows:

Committee Substitute for H. 754:

A BILL

To be entitled An Act to amend Section 7028 of the Code of Alabama of 1923, by providing that Railroad Companies may own and operate motor vehicles and aeroplanes for the transportation of persons or property, and may acquire property, rights and franchises of others engaged in such transportation, and may acquire and own capital stock of corporations and may enter into agreements with others engaged in or authorized to engage in such transportation; and providing regulations governing such transportation.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7028 of the Code of Alabama of 1923 be amended to read as follows:

7028 (3494) RAILROADS TO ACQUIRE AND OPERATE STEAMBOATS, ETC.—Railroad companies, and mining, manufacturing, and quarrying companies may contract, purchase, or otherwise acquire, own, operate, and maintain steamboats, barges, ships, and other vessels for transportation of freight and passengers on the navigable waters of this state, or any other state or foreign country and on the seas; and Railroad Companies may purchase or otherwise acquire, own, maintain and operate motor vehicles for the transportation of persons or property, or both, upon the highways of this State; and may purchase or otherwise acquire, own, maintain and operate aeroplanes for the transportation of persons or property, or both, in the air, and may purchase, lease or otherwise acquire and own the property, rights and franchises of any individual, firm, partnership, or other association of persons, or corporation, engaged in the transportation of persons or property, or both, by motor vehicle on the highways or by aeroplanes in the air; and may subscribe to and may acquire and own the capital stock of any such corporation, and may enter into any agreement or arrangement, not inconsistent with law, with any individual, firm, partnership, or other association of persons, or corporation, engaged in, or authorized to engage in, any of said methods of transportation; provided, however, that any Railroad Companies exercising in this State the powers herein granted shall, in their operation of motor vehicles, be subject to all the laws of this State applicable to or authorizing, regulating and governing such motor carriers and their business, or prescribing the conditions under which operators of motor vehicles may operate such vehicles on the highways of this State. And all Railroad Companies organized under the laws of other states, but authorized to do business in this State, may exercise in this State the powers

hereinabove granted; subject, however, to the limitations hereinabove set forth.

And the substitute reported by the Standing Committee on Commerce and Common Carriers to the bill, H. 754, was adopted.

Yeas, 56; Nays, 1.

Yeas:

Mr. Speaker	Dominick	Langley	Scott
Allen	Doster	Mayhall	Segrest
Bagley	Flowers	Meggins	Sightler
Barchard	Garrett	Miller	Smyer
Barnes	Gewin	McCord	Spence
Boswell	Golson	McDanal	Stallings
Brown (Covington)	Graham	Neighbors	Stone
Carwile	Green	Owens	Thomas
Chewning	Hardwick	Payne	Tidmore
Christopher	Hare	Peacock	Tucker
Cobb	Hill	Phillips	Wallace
Cope	Hodo	Pitts	Waller
Dearman	Jones	Quarles	Welch
Dobbs	Kaul	Sanderson	Wood

—56

Nays: Mr. Ball.

— 1

And said bill:

H. 754. To amend Section 7028 of the Code of Alabama of 1923.

As amended by the amendment reported by the standing committee on Commerce and Common Carriers, was read a third time at length and passed.

Yeas, 56; Nays, 1.

Yeas:

Mr. Speaker	Dominick	Langley	Scott
Allen	Doster	Mayhall	Segrest
Bagley	Flowers	Meggins	Sightler
Barchard	Garrett	Miller	Smyer
Barnes	Gewin	McCord	Spence
Boswell	Golson	McDanal	Stallings
Brown (Covington)	Graham	Neighbors	Stone
Carwile	Green	Owens	Thomas
Chewning	Hardwick	Payne	Tidmore
Christopher	Hare	Peacock	Tucker
Cobb	Hill	Phillips	Wallace
Cope	Hodo	Pitts	Waller
Dearman	Jones	Quarles	Welch
Dobbs	Kaul	Sanderson	Wood

—56

Nays: Mr. Ball.

— 1

On motion of Mr. Hodo the bill, H. 754, was ordered sent forth-with to the Senate without engrossment.

(With amendment):

H. 763. To regulate cotton ginning in the State of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Agriculture, said committee amendment being as follows:

COMMITTEE ON AGRICULTURE AMENDMENT TO H. 763

Amend Section II of House Bill 763 to read as follows:

SECTION II. PERMIT TO OPERATE COTTON GIN. The proprietor, lessee or manager of any cotton gin shall procure on or before July first of each year from the Commissioner, a permit to do business as a cotton ginner, the application for which shall be made upon forms to be furnished by the Commissioner, and such proprietor, lessee or manager shall pay to the Commissioner the sum of ONE (1c) CENT for each bale of cotton ginned during the previous season. In the issuance of the permit the Commissioner shall consider the responsibility, the reliability and qualifications, as well as the facilities of the person or persons or corporation to do such ginning business, so far as to afford all reasonable facilities, conveniences and services to the public, and shall have the power and authority to require such facilities, conveniences and services to be afforded the public before a permit is granted.

And the amendment reported by the Standing Committee on Agriculture to the bill, H. 763, was adopted.

Yeas, 40; Nays, 17.

Yeas:

Mr. Speaker	Dobbs	Kaul	Smyer
Bagley	Dominick	Martin	Stone
Ball	Doster	Mayhall	Taylor
Barnes	Garrett	Megginson	Thomas
Brown (Lee)	Gewin	Miller	Toomer
Carwile	Golson	Owens	Tucker
Chewning	Gwin	Payne	Wallace
Davis (Madison)	Hill	Pitts	Waller
Dearman	Jenkins	Sadler	Welch
Delony	Jones	Segrest	Young

—40

Nays:

Messrs.:	Green	Locke	Sanderson
Allen	Hall	McCord	Spence
Ellis	Hardwick	Newman	Stallings
Flowers	Hare	Peacock	Waldrop
Graham	Langley		

—17

On motion of Mr. Barnes, the further consideration of the bill, H. 763, was postponed until the next Legislative Day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 125. To provide a Local Option Stock Law for the State of Alabama with the County as the unit; to provide local option elections to be held in any county to determine whether it shall be lawful for cows, calves, yearlings, oxen and bulls to go at large in any such county; to provide that this Act shall be designated and cited as "The Local Option Stock Law for the State of Alabama with the County as the Unit"; to make it unlawful for livestock or other animals to run at large upon the premises of another or on the public lands, roads, highways or streets in the State of Alabama; to make the owner thereof liable for damages done by such live-stock or animals; to provide for the taking up of such live-stock or animals by the owner or person in possession of any land so trespassed upon, or an agent of such parties or by any member of the State Highway Patrol, the Sheriff and his deputies of any county, the constable of any precinct, or any law enforcement officer of any municipality, and for the payment of certain fees in connection therewith; to provide for notice to the owner of any live-stock or animals taken up if such owner be known; to provide for proceedings before justices of the peace, mayors, or recorder's court in reference to the taking up of such livestock or animals and for the payment of costs incurred in such suits; to provide also for the ascertainment and payment of damages to property caused by live-stock or animals unlawfully at large, and orders or judgments to be made in connection therewith, and for the enforcement thereof, and to provide for appeals to be taken from any judgment rendered by any justice of the peace, mayor or recorder under the provisions of this Act to the Circuit Court, or other court of like jurisdiction; to provide that in counties or municipalities where live-stock or animal pounds are maintained, any person or officer seizing any livestock or animal may deliver such live-stock or animal so seized to the poundkeeper for safekeeping; to provide that the owner of any live-stock or animal seized under the provisions of this enactment may make bond for the recovery of the live-stock or animal; to provide further for the sale of such live-stock or animal after the ascertainment of damages; to define and limit the term "live-stock" or "animal"; to define "open range county" and "stock law county" and to provide that no liability shall attach to any owner or opera-

tor of any vehicle of any kind who may injure or kill in either "open range" or "stock law" counties any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat or pig, while at large on any public highway; and to repeal all laws, general, special, local, and private, and parts of laws in conflict herewith.

By a majority of the whole number elected to the Senate, said vote being: Yeas, 24; Nays, 0.

And said bill, H. 125, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said voting being: Yeas, 21; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House Bill and returns same herewith to the House.

H. 942. To amend an act approved August 28, 1935, entitled "An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," as amended by an Act

approved March 17, 1939, entitled "An Act To amend an Act entitled 'An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and the rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof'".

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch, the House concurred in and adopted the Senate amendment to the bill, H. 942, said Senate amendment being as follows:

Amend H. 942 as follows: Insert in the title thereof immediately following the words "A Bill To Be Entitled An Act to amend", where same first occur together therein the following: "Sections 2, 7, 26 and 28 of"

And immediately following the words, "Be it enacted by the Legislature of Alabama" add the following words and figures: "Section 1."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Brown (Lee)	Cobb	Graves
Ball	Carwile	Collier	Green
Barnes	Castleberry	Cook	Gwin
Booth	Chewning	Cope	Hall
Boswell	Christopher	Davis (Madison)	Hardwick
Brown (Covington)	Clayton	Graham	Hare

Jenkins	Norman (Bullock)	Robinson (Lowndes)	Spence
Jones	Owens	Robinson (St. Clair)	Stallings
Kaul	Payne	Sanderson	Stone
Langan	Peacock	Scott	Taylor
Langley	Petrey	Segrest	Thomas
Matthews (Jackson)	Phillips	Sessions	Waldrop
Mayhall	Pitts	Sherrer	Welch
McGowin	Pool	Sightler	Weston
Nation	Quarles	Smyer	Whigham
Neighbors	Robertson (Cullman)	Snyder	White
Newman			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment.

By Mr. Holmes:

S. 501. To provide for the employment of a Chief-Deputy Sheriff and two Deputy Sheriffs for Baldwin County, Alabama; to prescribe their term of office, and to fix their salary, and the manner of payment:

With notice and proof thereto attached and herewith exhibited as follows:

LOCAL BILL

Notice is hereby given that there will be presented for passage, at the present session of the Legislature of the State of Alabama (Summer-Session, 1939) a local bill to provide for the employment of a Chief-Deputy Sheriff and two Deputy Sheriffs in Baldwin County, Alabama; to prescribe their term of office and to fix their salary and the manner of payment.

Dated this 8th day of August, 1939.

AFFIDAVIT OF PUBLICATION

I, Myrtle M. Barchard, business manager of The Onlooker, newspaper published at Foley, Alabama, do solemnly swear that a copy of the above notice as per clipping attached, was published once a week in the regular and entire edition of said newspaper, and not in any supplement thereof, for four consecutive weeks dated: August 10, 1939; August 17, 1939; August 24, 1939; August 31, 1939.

MYRTLE M. BARCHARD.

Subscribed and sworn to before me this 31 day of August, 1939.

CLAUDE PETEET,

Notary Public, Baldwin County, Ala.

My Commission expires Dec. 11, 1939.

Also:

By Mr. Carlton:

S. 502. To provide a statute of limitations for the presentation and payment of claims against the Fine and Forfeiture Fund of Marengo County, Alabama; to provide for the time within which claims against such Fine and Forfeiture Fund shall be registered, and to provide for notice to be given holders of claims against such fund.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR THE
PASSAGE OF A LOCAL LAW FOR
MARENGO COUNTY

Notice is hereby given that a local bill for Marengo County will be introduced in the present session of the Legislature of Alabama for the following purpose:

To provide a statute of limitations for the presentation and payment of claims against the fine and forfeiture fund of Marengo County, Alabama.

THE STATE OF ALABAMA,
MARENGO COUNTY.

Before me, R. J. Westbrook, Circuit Clerk in and for said County, in said State, personally appeared R. E. Sutton, who, being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published in Linden, Marengo County, Alabama, and that the said Democrat-Reporter is a newspaper of general circulation in Marengo County, Alabama, and that the NOTICE OF Intention to Apply for Local Law for Marengo County copy of which is hereto attached, was published in said newspaper, The Democrat-Reporter, for four consecutive weeks, to-wit:—in the issues dated August 3, 1939, August 10, 1939, August 17, 1939, August 24, 1939, and that each of said above issues was duly circulated among the subscribers of said newspaper, which said newspaper has been mailed under a second class mailing privilege of the United States Post Office where it is published for fifty-two (52) consecutive weeks prior to the publication of the above stated

R. E. SUTTON,

Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this 31 day of August, 1939.

R. J. WESTBROOK,

(SEAL)

Circuit Clerk, Marengo County, Alabama.

My Commission expires.....193.....

Also:

By Mr. Boyd:

S. 455. To amend Section 1744 of the 1923 Code of Alabama.

Also:
By Mr. Boyd:

S. 390. To amend Section 10188 of the Code of Alabama of 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation No. 1—S. 501; S. 502.

Judiciary—S. 455; S. 390.

BILLS ON THIRD READING

(With substitute):

H. 935. To provide the State Department of Revenue a remedy for the collection of delinquent taxes; to provide notices to be sent delinquent taxpayers for hearings on such delinquency; to provide the method and manner of such hearings; to provide for the assessment of such taxes; to provide appeals from such final orders made on such hearings; to provide for the issuance of writs of execution for the collection of such taxes and the method and manner of executing such writs with the fees allowed therefor; to provide for the disposition of funds collected thereby; to provide that the remedy prescribed herein shall be cumulative and apply to all delinquencies whether occurring hereafter or heretofore.

Was taken up. The question was upon the adoption of the substitute, reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

Substitute for H. 935:

A BILL

To be entitled An Act to provide remedies for the collection of delinquent taxes due the State, or the State and County, other than ad valorem taxes; to prescribe the power and authority of the State Department of Revenue in the enforcement of such remedies; to provide for notices to delinquent taxpayers of hearings on such delinquency; to provide the method and manner of such hearings; to provide for the assessment of such taxes; to provide appeals from

such final orders made on such hearings; to provide for the issuance of writs of execution for the collection of such taxes and the method and manner of executing such writs with the fees allowed therefor; to provide for the issuance of garnishments for the collection of such taxes; and to provide that the remedies prescribed herein shall be cumulative;

Be it enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. The following words wherever used in this Act shall have the meanings respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning: (1) Words used in the masculine gender include the feminine and neuter genders, and words used in the neuter gender include the masculine and feminine genders. (2) The word "Person" means any individual, firm, partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular, unless the intention to give a more limited meaning is disclosed by the context. (3) The word "tax" means any license, privilege, franchise, mileage, tonnage, income, sales, use, gasoline, tobacco, excise or admission tax or any permit or qualification fee or any tax or license other than ad valorem tax. (4) The word "taxpayer" means any person as defined herein subject to any tax as defined herein. (5) The word "penalty" means any sum of money exacted by statute from any taxpayer as defined herein, for any delinquency, deficiency, failure or inability to pay any tax as defined herein, make any return or do any act required by law in the manner or within the time so provided.

Section 2. NOTICE OF DELINQUENCY. Whenever it shall appear to the State Department of Revenue that any person is engaged in any business, vocation, occupation, calling or profession, or is exercising any privilege, or engaging in any business or transaction, or performing any act, for or on account of which any tax is imposed, required, assessed or levied, and that such person has failed to procure a state license and a county license, either or both, as required by law, or has failed to pay any such tax, as required by law, or is subject to any penalty imposed or authorized to be imposed by law for any such delinquency, or that any person has incurred any tax liability to the State, or the State and County, either or both, (other than for ad valorem taxes), then the State Department of Revenue shall give written notice to such taxpayer that a hearing will be had before the Commissioner of Revenue or his representative at a time and place designated in such notice, for the purpose of determining the amount of such tax or penalty, either or both, or whether such tax or penalty, either

or both, for the state and county, either or both, is due or shall be assessed against such taxpayer. Such hearing shall be not less than ten days from the date of such notice. Such notice shall designate which tax or penalty, either or both, is due by said taxpayer, and the year or years for which such tax or penalty is claimed. No defect in said notice concerning the tax or penalty, either or both, claimed or the year for which such is claimed shall invalidate any final assessment made hereunder if said taxpayer receives actual notice of such hearing.

Section 3. HEARING AND ASSESSMENT. At such hearing, the Commissioner of Revenue or his representative shall determine what tax, if any, is due by said taxpayer and what fees or penalties, if any, are due by said taxpayer and to whom such tax, fees or penalties are due. If, at such hearing, any taxpayer is required to answer for any tax or penalty for any year not specified in the written notice hereinabove required, said taxpayer shall be entitled to a continuance of such hearing, as a matter of right, for such a reasonable time as may be necessary for him to secure such additional testimony as he may have in defense thereof. Such hearing may be continued from time to time, provided, however, that if such taxpayer, his agent or attorney is not present before the Commissioner of Revenue or his representative or does not have actual notice of the date and place to which such continuance is made, then written notice as hereinabove provided must be given said taxpayer of such continuance. If, on such hearing, the Commissioner of Revenue or his representative is not satisfied that said taxpayer is due the State and County, either or both, any tax or penalty, then such proceeding shall be dismissed as to such taxpayer. If, on such hearing, the Commissioner of Revenue or his representative is satisfied that such taxpayer is due the State and County, either or both, any tax or penalty, either or both, for any year not barred by any statute of limitations, then such tax or penalty, either or both, shall be finally fixed and determined or assessed against such taxpayer. Such determination or assessment shall include the amount shown to be due the State and County, either or both, with interest thereon from the date such tax became due along with all fees or penalties, either or both, due by the said taxpayer therefor.

If any such determination or assessment is made final against any such taxpayer, he shall be given written notice of such determination or assessment, and the date when such determination or assessment is made final, provided, however, that if any such taxpayer is present in person or by duly authorized agent or attorney at any such hearing before the Commissioner of Revenue or his

representative at the time such determination or assessment is made final, no further notice thereof shall be given such taxpayer.

Section 4. APPEAL. If either party feels aggrieved by any final action of the Commissioner of Revenue or his representative, either by dismissing said proceeding, or making final any determination or assessment for any such tax or penalty, either or both, an appeal may be taken therefrom in the same manner as appeals may be taken from final assessment made by the State Department of Revenue.

Section 5. EXECUTION. If no appeal is taken from the final determination or assessment of any such tax or penalty, either or both, within the time allowed by law, and such tax or penalty, either or both, remains unpaid for thirty days after such determination or assessment becomes final, or if a taxpayer has filed a signed return with the State Department of Revenue showing the amount of such tax which is due and such tax is not paid within thirty days after said signed return is so filed, then in either event, the State Department of Revenue shall issue a writ of execution therefor directed to any sheriff of the State of Alabama commanding him to levy upon and sell the real and personal property of such person against whom such execution is directed, found within his county for the payment of the amount thereof, with damages to the amount of ten per cent (10%) of the tax in addition to the fees and penalties imposed thereon, and interest, and the cost of executing said writ, and return said writ to the State Department of Revenue and pay to it the money collected by virtue thereof. The Sheriff shall, upon the receipt of said writ of execution, file a copy thereof with the probate judge of his county and thereupon the probate judge shall enter the same, without fees therefor, in the book for the registration of liens or judgments and decrees kept in his office and the day and hour when such copy is filed, and thereupon the amount of such execution so entered shall become a lien in the county where filed, on all the property of such taxpayer, and such lien shall continue for ten years after the date of such execution. The filing of such execution as provided herein shall be notice to all persons of the existence of the lien thereby created. The sheriff thereupon shall levy upon any property of said taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court, or court of like jurisdiction, and the sheriff shall be entitled to the same fee for his service as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within sixty days of the issuance thereof to the State Department of Revenue and upon such return, alias or plures executions may be

issued by the Department which shall be executed in the same manner.

If the Commissioner of Revenue ascertains or has just cause to believe that any person is indebted to, or has in his possession or under his control, any money, property, or choses in action belonging to any such delinquent taxpayer in this State, he shall forthwith have served upon such person a notice in writing to appear before some court in the county having jurisdiction of the amount involved, naming the court, to answer as garnishee, and under oath, whether he was indebted to such taxpayer at the time of the service of the notice, or at the time of making his answer, or whether he will be indebted to him by any contract then existing, and if so, the amount of such indebtedness; and whether he has in his possession or under his control, any and what money, property or choses in action belonging to such taxpayer; and in such notice the amount of the taxes, penalties, or fees, either or all, due from such taxpayer shall be set out. Such taxpayer shall also be given written notice of the service of such garnishment; and such garnishment and notice shall, without delay, be filed in the court before which the garnishee is cited to appear. It shall be the duty of the Commissioner of Revenue, as far as by diligent inquiry he can, to ascertain what persons are indebted to or have in their possession any money, property or choses in action belonging to any delinquent taxpayer. Service of such garnishment and notice thereof may be made by personal service, publication or otherwise as provided by law in the case of writs of garnishment and notice thereof issued upon or to enforce collection of judgments rendered by such Court.

Such proceedings shall be conducted in the name of the state; and if the notice served on the garnishee is returnable before a justice of the peace, or court having like jurisdiction, the garnishee must answer within three days after service of writ of garnishment, if before the circuit court or court having like jurisdiction, he must answer within thirty days after service of writ of garnishment; and thereupon, upon the hearing of said garnishment proceedings, or in the event of a failure to answer such proceedings, judgment may be entered therein as in cases of garnishment on judgment. The same fees shall be charged as in the cases of garnishment on judgment.

Section 6. DISPOSITION OF FUNDS. Upon receipt by the State Department of Revenue of any money collected by the use of said execution or garnishment, the same shall be disposed of in the same manner as though said money were remitted directly to said Department in discharge of such tax or penalty, either or both,

by such person without the issuance of such executions or garnishment.

Section 7. NOTICES. The written notices herein required to be given to any person may be given by registered mail, return receipt requested, addressed to the last known address of such person, or may be personally served by any Sheriff of duly authorized agent of the State Department of Revenue by delivering the same to the person or his duly authorized agent, or service may be perfected by publication in such instances, and in the manner provided for the use of such mode of service in proceedings in the Circuit Court.

Section 8. REMEDY CUMULATIVE. The procedure herein provided for the collection of any such tax or penalty, either or both, shall be in addition to any other remedies now provided for the collection of any such tax or penalty, either or both.

Section 9. APPLICABILITY OF REMEDY. The procedure herein provided shall apply for the collection of any such tax or penalty, either or both, regardless of whether such tax or penalty, either or both, became due before or after the enactment of this Act.

Section 10. SEVERABILITY. Each section of this Act and every part of each section is hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not affect the other sections or parts thereof, and it is now declared that other sections and parts of sections would have been enacted regardless of any such section or part of section being held unconstitutional, inoperative, or ineffective.

Section 11. REPEALING CLAUSE. All laws or parts of laws inconsistent with or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby expressly repealed.

Section 12. EFFECTIVE DATE. This Act shall become effective immediately upon its enactment.

And the substitute reported by the Standing Committee on Ways and Means, for the bill, H. 935, was adopted:

Yeas, 53; Nays, 2.

Yeas:

Mr. Speaker
Allen
Austin
Ball
Barchard
Barnes
Boswell
Branyon
Brown (Covington)

Carwile
Castleberry
Chewning
Cope
Davis (Madison)
Dearman
Dominick
Ellis
Garrett

Hall
Hardwick
Hill
Jenkins
Jones
Locke
Lovelace
Mathews (Clarke)
Megginson

Miller
McCord
McGowin
Nation
Neighbors
Newman
Owens
Payne
Petrey

Pitts	Spence	Thomas	Waldrop
Quarles	Stallings	Tidmore	Wallace
Robinson (St. Clair)	Stone	Tucker	Welch
Segrest	Taylor	Walden	Weston
Sessions			

—53

Nays: Messrs.: Newman, Wood.

— 2

And said bill:

H. 935. To provide the State Department of Revenue a remedy for the collection of delinquent taxes; to provide notices to be sent delinquent taxpayers for hearings on such delinquency; to provide the method and manner of such hearings; to provide for the assessment of such taxes; to provide appeals from such final orders made on such hearings; to provide for the issuance of writs of execution for the collection of such taxes and the method and manner of executing such writs with the fees allowed therefor; to provide for the disposition of funds collected thereby; to provide that the remedy prescribed herein shall be cumulative and apply to all delinquencies whether occurring hereafter or heretofore.

As amended, was read a third time at length and lost.

Yeas, 29; Nays, 39.

<i>Yeas:</i>			
Mr. Speaker	Flowers	Miller	Sessions
Barnes	Garrett	McGowin	Spence
Brown (Covington)	Gewin	Nation	Stone
Castleberry	Golson	Norman (Bullock)	Taylor
Chewning	Jones	Pitts	Tidmore
Davis (Madison)	Langley	Pool	Tucker
Dominick	Lovelace	Segrest	Wallace
Ellis			

—29

<i>Nays:</i>	Dobbs	Matthews (Jackson)	Robinson (St. Clair)
Messrs.:	Graham	Mayhall	Sadler
Austin	Green	Megginson	Scott
Ball	Hall	McCord	Sightler
Boswell	Hardwick	McDanal	Smyer
Carwile	Hare	Neighbors	Stallings
Christopher	Hill	Newman	Thomas
Cope	Jenkins	Payne	Welch
Dearman	Kaul	Peacock	Wood
Delony	Locke	Quarles	Young

—39

H. 791. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and to provide penalties for violation of this Act.

Was taken up. On motion of Mr. McGowin the further consideration of the bill, H. 791, was postponed until the next Legislative Day.

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act; to provide for the punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was taken up. On motion of Mr. McGowin the further consideration of the bill, H. 792, was postponed until the next legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 425. To amend Section 7057 of the 1923 Code of Alabama.

Also:

H. 426. To amend Section 7054 of the 1923 Code of Alabama.

Also:

H. 427. To amend Section 7048 of the 1923 Code of Alabama.

Also:

H. 907. To further regulate the powers of Courts of County Commissioners, Boards of Revenue or other like governing bodies with respect to State convicts, and county convicts which have been

delivered over to the State by action of the governing body of any county.

Also:

H. 562. To authorize each County and the Governing Body thereof, with the approval of the Governor, to acquire by donation and purchase and improve lands for County, State, National, and public purposes, and appoint Trustees without compensation for that purpose.

Also:

H. 717. To Amend Section 522 of The Alabama School Code Adopted by an act of the Legislature of Alabama approved August 27, 1927, as amended by an act of the Legislature of Alabama approved July 18, 1931.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment.

By Mr. Booth:

S. 418. To amend Section 92 of Article VI of the Alabama School Code of 1927.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Education, S. 418.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:00 A.M. on September 7, 1939.

H. 125.

H. 376.

H. 377.

H. 641.

H. 698.

H. 699.

H. 704.

H. 705.

H. 761.

H. 807.

H. 813.

H. 814.

H. 855.

H. 857.

H. 859.

H. 870.

H. 876.

H. 877.

H. 878.

H. 891.

H. 916.

H. J. R. 112.

Delivered to the Secretary of State at 10:05 A.M. on September 7, 1939.

H. 613.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Norman of Bullock, the House, in accordance with a Senate joint resolution heretofore adopted, adjourned until Tuesday, September 12th, 1939 at nine o'clock, A.M.

FORTY-SIXTH DAY

House of Representatives,
Montgomery, Alabama,
Tuesday, September 12, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. McDonald, of Montgomery.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Dobbs	Martin	Sanderson
Allen	Dominick	Mathews (Clarke)	Scott
Austin	Doster	Matthews (Jackson)	Segrest
Bagley	Ellis	Mayhall	Sessions
Bail	Flowers	Meggins	Sherrer
Barchard	Garrett	Miller	Sightler
Barnes	Gewin	McCord	Smyer
Beck	Golson	McDanal	Snyder
Booth	Graham	McGowin	Spence
Boswell	Graves	Nation	Stallings
Branyon	Green	Neighbors	Stone
Brown (Covington)	Gwin	Newman	Taylor
Brown (Lee)	Hall	Norman (Bullock)	Thomas
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Castleberry	Hare	Owens	Toomer
Chewning	Haynes	Payne	Tucker
Christopher	Henson	Peacock	Walden
Clayton	Hill	Petrey	Waldrop
Cobb	Hodo	Phillips	Wallace
Collier	Jenkins	Pitts	Waller
Cook	Jones	Pool	Welch
Cope	Kaul	Quarles	Weston
Davis (Madison)	Langan	Robertson (Cullman)	Whigham
Dearman	Langley	Robinson (Lowndes)	White
Delony	Locke	Robinson (St. Clair)	Wood
Devers	Lovelace	Sadler	Young

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the forty-fifth legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-fifth legislative day was dispensed with and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the forty-fifth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolution:

H. 125. To provide a Local Option Stock Law for the State of Alabama with the County as the unit; to provide local option elections to be held in any county to determine whether it shall be lawful for cows, calves, yearling, oxen and bulls to go at large in any such county; to provide that this Act shall be designated and cited as "The Local Option Stock Law for the State of Alabama with the County as the Unit"; to make it unlawful for livestock or other animals to run at large upon the premises of another or on the public lands, roads, highways or streets in the State of Alabama; to make the owner thereof liable for damages done by such live-stock or animals; to provide for the taking up of such live-stock or animals by the owner or person in possession of any land so trespassed upon, or an agent of such parties or by any member of the State Highway Patrol, the Sheriff and his deputies of any county, the constable of any precinct, or any law enforcement officer of any municipality, and for the payment of certain fees in connection therewith; to provide for notice to the owner of any live-stock or animals taken up if such owner be known; to provide for proceedings before justices of the peace, mayors, or recorder's court in reference to the taking up of such live-stock or animals and for the payment of costs incurred in such suits; to provide also for the as-

certainment and payment of damages to property caused by live-stock or animals unlawfully at large, and orders or judgments to be made in connection therewith, and for the enforcement thereof, and to provide for appeals to be taken from any judgment rendered by any justice of the peace, mayor or recorder under the provisions of this Act to the Circuit Court, or other court of like jurisdiction; to provide that in counties or municipalities where live-stock or animal pounds are maintained, any person or officer seizing any live-stock or animal may deliver such live-stock or animal so seized to the poundkeeper for safekeeping; to provide that the owner of any live-stock or animal seized under the provisions of this enactment may make bond for the recovery of the live-stock or animal; to provide further for the sale of such live-stock or animal after the ascertainment of damages; to define and limit the term "live-stock" or "animal"; to define "open range county" and "stock law county" and to provide that no liability shall attach to any owner or operator of any vehicle of any kind who may injure or kill in either "open range" or "stock law" counties any horse, mare, mule, jack, jenny, colt, cow, calf, yearling, bull, oxen, sheep, goat, lamb, kid, hog, shoat or pig, while at large on any public highway; and to repeal all laws, general, special, local, and private, and parts of laws in conflict herewith.

Also:

H. 192. To amend Subsections (2), (4(b)), and (5) of Section 346.1, Chapter 1, Article 12, of the Revenue Act of 1935 relating to financial institutions.

Also:

H. 352. To amend Schedule 12 of Section 348, of the Revenue Act of 1935, approved July 10, 1935, as amended by Act No. 163 of the 1936-1937 Extra Session of the Legislature of Alabama.

Also:

H. 365. To amend Section V of an Act entitled "An Act to further provide for the general revenue of the State of Alabama", approved February 8, 1939.

Also:

H. 425. To amend Section 7057 of the 1923 Code of Alabama.

Also:

H. 426. To amend Section 7054 of the 1923 Code of Alabama.

Also:

H. 427. To amend Section 7048 of the 1923 Code of Alabama.

Also:

H. 439. To Amend Subdivision (3) of Section 345.10 and Subdivision (4) of Section 345.18 on an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 490. To amend Section XXII of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 28, 1939.

Also:

H. 510. To provide for the transfer of any unencumbered balance in the Highway Patrol Fund at the end of each two-year licensing period provided for in Section 1 of an Act entitled "An Act to provide for the public safety; to regulate the operation of motor vehicles on the public highways; to provide for the registration, examination and licensing of drivers or operators of motor vehicles and to fix the fees therefor; to authorize the Director of Public Safety, with the approval of the Governor, to establish and promulgate reasonable rules and regulations concerning the operation of motor vehicles; to provide punishment and penalties for the violation of the provisions of this Act and of the rules and regulations authorized hereby; to provide for the suspension and revocation of drivers' licenses issued; to authorize the appointment or employment of the necessary officers and agents, and the purchase of the necessary equipment to make the provisions hereof effective; and to provide for the compensation of the officers and agents so employed; and to repeal all laws and parts of laws in conflict herewith," approved March 18, 1939, into the State Treasury to the credit of the General Fund.

Also:

H. 511. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:

H. 513. To provide that all moneys accruing to or collected by or through the Department of Commerce or any bureau or division thereof, or as a result of any law which the Department of Commerce or any bureau or division thereof may now or hereafter be charged with the duty of administering shall, when collected, be covered into the State Treasury to the credit of the General Fund.

Also:

H. 514. To provide that all moneys accruing to or collected by or through the State Securities Commission or as a result of any

statute which said State Securities Commission may now or hereafter be charged with the duty of administering shall, when collected, be covered into the State Treasury to the credit of the General Fund.

Also:

H. 516. To amend Section 1 of an Act entitled "An Act to provide that the proceeds of the excise tax levied by Schedule 138.1 of Section 348 of Chapter 1 of Article XIII of an Act entitled 'An Act to provide for the general revenues of the State of Alabama,' approved July 10, 1935, commonly known as the lubricating oil tax, shall, when collected, be covered into the State Treasury to the credit of the State Highway Patrol Fund, and to repeal all laws and parts of laws, general, special or local, in conflict herewith," approved March 17, 1939.

Also:

H. 522. To make an appropriation for the support and maintenance of the Tuskegee Institute.

Also:

H. 562. To authorize each County and the Governing Body thereof, with the approval of the Governor, to acquire by donation and purchase and improve lands for County, State, National, and public purposes, and appoint Trustees without compensation for that purpose.

Also:

H. 609. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Also:

H. 630. To provide for the payment of the traveling and mileage expenses of the Superintendent of Education of Bibb County, Alabama, incurred by him in the discharge of his official duties, and to provide for the method and manner of paying the same.

Also:

H. 660. To amend Section XXXV of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8, 1939.

Also:

H. 668. To amend section 4549 of the 1923 Code of Alabama, so as to permit indictments to be recorded by means of a photograph or photostat machine.

Also:

H. 669. To amend Section 6507 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 670. To amend section 6724 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 671. To amend section 10129 of the 1923 Code of Alabama, so as to permit photostating of papers in certain counties.

Also:

H. 691. To amend Schedule 133 of Section 348, of Article XIII, of "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 706. To allow the Sheriff of Cleburne County, Alabama, a Deputy Sheriff in addition to the Chief Deputy Sheriff and fix his maximum salary and make it payable out of the General Fund of the County in equal monthly installments.

Also:

H. 717. To Amend Section 522 of The Alabama School Code Adopted by an act of the Legislature of Alabama approved August 27, 1927, as amended by an act of the Legislature of Alabama, approved July 18, 1931.

Also:

H. 718. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this Act.

Also:

H. 730. To provide for the manner of electing the members of the Butler County Board of Education, and to specify the Districts from which they must be elected.

Also:

H. 779. To amend Section 346.5 of Chapter 1 of Article XII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 780. To amend Schedule 158.19 of Chapter 6 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 827. To amend an Act entitled "An Act to Amend Schedule 154 of Article XIII, Chapter 1, of Section 348 of an Act approved July 10, 1935, entitled 'An Act to Provide for the General Revenue of the State of Alabama,'" approved February 2, 1937.

Also:

H. 829. To amend Section 345.28 of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 868. To authorize County Boards of Equalization or other like boards or agencies with final authority to fix the value of property for the purposes of taxation in counties having a population of 200,000 or more, according to the last or any subsequent Federal census, to provide for the inventory and appraisal of all taxable property in such counties, except that subject to assessment by the State Department of Revenue; to provide for the payment of the cost and expenses of such inventories and the proration thereof as between the State, such counties, and the municipalities and the boards of education in such counties; to abolish all boards of inventory in said counties, and to transfer all books, records, files, and equipment of said boards, to the County Board of Equalization.

Also:

H. 886. To provide for the disposition and use of the profits of the State Liquor Stores operated under the Alabama Beverage Control Act.

Also:

H. 887. To amend Schedule 158.15 of Article 13 Chapter 6 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 892. To Amend Schedule 158.10 of Section 348, Article XIII, Chapter 6, of an Act "To provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 893. To amend subsection (f) of Section V of an act approved February 8, 1939, entitled "An Act to further provide for the general revenue of the State of Alabama."

Also:

H. 896. To amend an Act of the legislature of Alabama approved March 26, 1936, entitled "An Act to amend Section 3 of Ar-

title 1 of an act entitled 'An Act to provide for the general revenue of the State of Alabama,' approved July 10, 1935."

Also:

H. 904. To amend Schedule 158.11 of Chapter 6, Article 13 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Also:

H. 907. To further regulate the powers of Courts of County Commissioners, Boards of Revenue or other like governing bodies with respect to State convicts, and county convicts which have been delivered over to the State by action of the governing body of any county.

Also:

H. 926. To authorize the issuance of not exceeding \$900,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of Alabama Bridge Commission (an Agency of the State of Alabama), which were outstanding on July 1, 1939.

Also:

H. 937. To provide a use tax upon tobacco products; to require returns showing the amount of such tax; to provide assessment of such tax and appeals therefrom; to provide execution and garnishment for the collection of such tax; to provide that such tax shall constitute a debt secured by a lien; to require the preservation and inspection of records and provide penalties for the failure thereof; to provide for the disposition of revenues so collected.

Also:

H. 942. To amend an act approved August 28, 1935, entitled "An Act To create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other

agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof", as amended by an Act approved March 17, 1939, entitled "An Act To amend an Act entitled 'An Act to create and establish in each County of the State of Alabama which has a population of 200,000 or more people, according to the Last Federal Census, or which may hereafter have a population of 200,000 or more people, according to any subsequent Federal Census, a County wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or part from the public funds of such counties or municipalities located therein; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such Counties; to define the scope and extent of said System and the powers, duties and authority of said Commission, Board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such Personnel and over such counties and municipalities therein; to provide for payment of the expenses of each such agency and for a division of such expense between the county affected and the municipalities therein; to provide penalties for the violation of this Act and the rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof'".

Also:

H. 944. To authorize the issuance of not exceeding \$5,000,000 aggregate principal amount of general obligation Bonds of the State of Alabama, additionally secured by the pledge of a certain gasoline excise tax, for the purpose of paying or retiring, before maturity, bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939, and to provide for the terms, conditions and specifications and the execution and delivery of said bonds and the disposition of the proceeds thereof, and to authorize the purchase of bonds of the Alabama State Bridge Corporation and the Alabama

Bridge Authority, Incorporated, which were outstanding on July 1, 1939.

Also:

H. 951. To make a further appropriation of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. J. R. 116. Relative to price raising of commodities and profiteering at the expense of the people.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

RESOLUTIONS

The following resolutions were introduced:

By the Rules Committee:

H.J.R. No. 118. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE Senate concurring, that during the recess of the Legislature between the Forty-Seventh Legislative day and the Forty-Eighth Legislative day, the Clerk of the House of Representatives and the Secretary of the Senate shall, during such recess, keep their offices open for the convenience of the Members of the Legislature and the public and furnish such information to the Members of the Legislature and the public that may be desired.

BE IT FURTHER RESOLVED THAT during such recess of the Legislature the Clerk of the House of Representatives and the Secretary of the Senate shall check and complete the Journals and other records of their respective Houses in order that the same may be brought up to date when the Legislature re-convenes for the Forty-Eighth Legislative day.

BE IT FURTHER RESOLVED THAT the Clerk of the House of Representatives and the Secretary of the Senate shall perform such duties for their respective Houses at any time the same may sit as a Committee of the Whole during such recess as may be required of them.

BE IT FURTHER RESOLVED THAT in order to enable the Clerk of the House of Representatives and the Secretary of the Senate to perform the duties hereby imposed upon them during such recess of the Legislature:

1. That for a period of four weeks during such recess the Clerk of the House of Representatives, the Assistant Clerk, the Second Assistant Clerk, the Reading Clerk, the Chief Clerk to the Clerk of the House, and twelve assistants to be named by the Clerk of the House; the Secretary of the Senate, the Assistant Secretary, the Second Assistant Secretary, the Chief Clerk, the Reading Clerk, and twelve assistants to be named by the Secretary of the Senate, shall be retained and shall receive the same per diem as now provided by law.

2. That at such times as the respective Houses of the Legislature may sit as a Committee of the Whole during such recess, the subordinate officers and employees of the respective Houses, whether elected or appointed, as now provided by law, or so many thereof as may be necessary, shall be retained and shall receive the same per diem as now provided by law.

3. That during the period of such recess, except at such times as they may be otherwise retained and paid pursuant to the provisions of this Resolution, the Clerk of the House of Representatives and one assistant to be appointed by him, and the Secretary of the Senate and one assistant to be appointed by him shall be retained and shall receive the same per diem as now provided by law.

And the H. J. R. 118 was adopted.

By Rules Committee:

H. J. R. 119. Be It Resolved by the House, the Senate concurring, that when the two houses adjourn today, they adjourn to meet Friday, September 15th, at nine o'clock A. M.

And the H. J. R. 119 was adopted.

By Rules Committee:

H. R. 120. Making certain bills special orders for the 46th Legislative Day.

And the H. R. 120 was adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Merrill:

H. 1052. To regulate the office of sheriff in all counties of the State of Alabama which now have or may hereafter have a population of not less than fifty five thousand five hundred, and not more than sixty three thousand, according to the last or any subsequent federal census; to exempt the sheriffs of said counties from court costs; to fix the compensation or salary to be paid to the sheriffs of said counties, and to regulate the payment of the same; to fix the number and compensation of the sheriffs' deputies, guards, jailers, and other employees of the sheriffs; to require the deputy sheriffs and special deputy sheriffs of said sheriffs to execute official bonds, conditioned, payable and approved as the bond of the sheriffs; to exempt the sheriffs of said counties from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriffs' and all deputies' bonds out of the county treasury of their respective counties; to provide that all fees, charges and commissions taxable and collected as sheriffs' fees, charges or commissions, be paid into the county treasury, including fees for feeding prisoners, to be paid into the general fund of said county; to provide for the payment of the expenses of the offices of said sheriffs, including the costs of supplying and maintaining automobiles used by them in their official business, and authorizing the boards of revenue or other like governing bodies to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriffs of said counties to employ attorneys to advise and represent them, to be paid out of the county treasury; abolishing insofar as it relates to said counties sheriffs' fees provided for in section 6717 of the Code of Alabama of 1923, and providing that the sheriffs of said counties shall furnish bailiffs required in section 6716 of the Code of Alabama of 1923; to provide that said counties shall not be liable for the acts or omissions of said sheriffs or any of their deputies, jailers, guards or other employees; to repeal all laws and parts of laws which as applied to said counties are in conflict with the provisions of this Act; and providing when and how said Act shall become effective.

Rules.

By Mr. Smyer:

H. 1053. To provide that in all counties of this State which now have or may hereafter have a population of more than 300,000

according to the last or any subsequent Federal Census, the Judge of the Probate Court of such counties may try inquisitions of lunacy with or without a jury; and to further provide that when a jury is demanded in such proceedings, said jury shall be impaneled in the same manner as is now provided for the trial of a will contest in the Probate Courts of this State.

Local Legislation No. 2.

By Mr. Smyer:

H. 1054. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of 400,000 or more, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and costs of court for the performance of the duties authorized by this act.

Local Legislation No. 2.

By Mr. Smyer:

H. 1055. To further regulate and define the powers and duties by the County Commissioners in all counties in this State having a population of three hundred thousand inhabitants or more according to the last or any subsequent Federal census; to establish a budget system and provide for the preparation of a budget for each of said counties; to provide that said budgeted current expenses shall not exceed the budgeted income of each of said counties; to provide that the actual payments shall not exceed the actual income and to regulate and restrict the borrowing of said counties.

Local Legislation No. 2.

By Messrs. Megginson, Langan and Stone:

H. 1056. To provide For the Relief of Marjorie McConnell Dodge.

Appropriations.

By Mr. Green (with notice and proof):

H. 1057. To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.

Local Legislation No. 1.

Notice and proof H. 1057:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama, or at the first special session thereafter, there will be introduced and sought to be passed the following local bill:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; and to repeal all laws in conflict herewith.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Court of County Commissioners of Pike County, Alabama, is hereby authorized in its discretion to provide for an additional deputy sheriff for Pike County to that now provided by law, who shall be appointed by the sheriff of said County, and who shall hold said office at the pleasure of said sheriff, and shall receive a salary of \$900.00 per annum, to be paid in twelve equal monthly installments out of the General Fund of said County.

Section 2. That on the first day of each month the sheriff of Pike County, Alabama, shall certify in writing to the Court of County Commissioners of Pike County the name of the deputy whom he has appointed and also the amount due said deputy, according to the salary fixed herein. When said certificate has been filed with the presiding judge of said Court of County Commissioners it shall thereupon be the duty of said Court at its next regular meeting to order a warrant drawn upon the General Fund of said County, payable to said deputy for the amount of one month's salary, as herein provided.

Section 3. Said Court of County Commissioners shall have the authority and power to repeal or revoke the allowance for said additional deputy sheriff at any time.

Section 4. That all laws and parts of law in conflict with the provisions of this act be, and the same are hereby repealed. This act shall come effective from and after its approval by the Governor.

(8-17-1taw4t(br)

STATE OF ALABAMA,
PIKE COUNTY.

Before me, Roy S. Ammons, a Notary Public in and for said State and County, personally appeared M. N. Dodson, who being sworn, deposes and says on oath, that he is the editor of THE TROY MESSENGER, a newspaper published daily, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice A Bill to be enacted to provide an additional deputy sheriff was published in said newspaper 4 times, the same appearing in the issues dated: August 17-24-31; Sept. 7, 1939.

M. N. DODSON,

Sworn to and subscribed before me this the 9th day of September, 1939.

ROY S. AMMONS,

(SEAL)

Notary Public, Pike County, Ala.

By Mr. Welch (with notice and proof):

H. 1058. To create and establish a Public Utility Board in the City of Bessemer, Jefferson County, Alabama; to define and provide the power and authority of said Board in and about the operation and conduct and maintenance of each and every public utility which is now or may hereafter be owned or operated by said City of Bessemer; to provide for the election of the members of said Public Utility Board, and the filling of vacancies thereon, and to determine the qualifications of the members of said Board; to define and provide for the duties, power and authority of said Public Utility Board and to provide for the meetings and functioning thereof; to provide for the appointment, selection, qualifications and employment and discharge of all employees engaged in the operation, conduct or maintenance of every public utility which now is or may hereafter be owned or operated by said City of Bessemer; to provide for the adoption of policies and regulations by said Board with regard to the operation, conduct or maintenance of each and every public utility which is now or which may hereafter be owned or operated by said City of Bessemer; and to provide for the removal and impeachment of members of said Public Utility Board.

Local Legislation No. 2.

Notice and proof H. 1058:

NOTICE

To Whom It May Concern:

Notice is hereby given that a bill, the substance of which is set out hereinbelow, will be introduced in and its passage requested at the present session of a regular adjourned session of the Legislature of Alabama which is now in session; viz:

AN ACT

To create and establish a Public Utility Board in the City of Bessemer, Jefferson County, Alabama, to define and provide the power and authority of said Board in and about the operation and conduct and maintenance of each

and every public utility which is now or may hereafter be owned or operated by said City of Bessemer; to provide for the election of the members of said Public Utility Board, and the filling of vacancies thereon, and to determine the qualifications of the members of said Board; to define and provide for the duties, power and authority of said Public Utility Board and to provide for the meetings and functioning thereof; to provide for the appointment, selection, qualifications and employment and discharge of all employees engaged in the operation, conduct or maintenance of every public utility which now is or may hereafter be owned or operated by said City of Bessemer; to provide for the adoption of policies and regulations by said Board with regard to the operation, conduct or maintenance of each and every public utility which is now or which may hereafter be owned or operated by said City of Bessemer; and to provide for the removal and impeachment of members of said Public Utility Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created and established in the City of Bessemer, Jefferson County, Alabama, a Public Utility Board which shall be known and designated as the Public Utility Board of Bessemer, Alabama, which said Board shall consist of a Chairman and two associate members, and which said Board shall have and is hereby given full, complete and exclusive power and authority in the operation, conduct or maintenance of each and every electric light and power system, water works, gas works, and other public utility which is now or which may hereafter be owned or operated by said City of Bessemer.

Section 2. The chairman and associate members of said Public Utility Board shall be elected by a majority of those elected to the City Council of the said City of Bessemer, Alabama. The Chairman of said Public Utility Board shall be elected for a term of six years; associate member number one of said Public Utility Board shall be elected for a term of four years; associate member number two of said Public Utility Board shall be elected for a term of two years. At the expiration of the term of each member of the Public Utility Board his successor shall be elected for a term of six years. In the event a vacancy occurs in the membership of the Public Utility Board, whether by resignation, death, or mental or physical incapacity of the member to serve, or otherwise, then the City Council of the said City of Bessemer shall proceed to elect a new member to fill the unexpired term of the vacant membership. The members of said Public Utility Board shall serve without compensation for their services.

Section 3. Each and every member of said Public Utility Board shall be a citizen of the United States of America, of the State of Alabama, and of the City of Bessemer, and shall be over the age of twenty-one years. He shall not be connected with any member of the City Council or the Mayor of the City of Bessemer by blood or marriage within the third degree as provided by Civil Law. Each member of the Public Utility Board shall be a sober and industrious person of good moral character, mentally and physically capable of performing the duties herein imposed upon him. He shall not be connected with any member of the Governing Body of the City of Bessemer, either as an employer or as an employee.

Section 4. The Public Utility Board shall hold at least one regular meeting each month on a pre-determined date. They may hold as many special or called meetings as they may deem advisable. The Clerk and Treasurer of the City of Bessemer shall act as Secretary and Treasurer of the Public Utility Board and shall attend all meetings of the Public Utility Board and keep a record of their proceedings. All regular, special or called meetings of the Public Utility Board shall be opened to the public and shall be held

in the Council Chamber of the City Hall in the City of Bessemer. Two members of the Board shall constitute a quorum for the conduct of business.

Section 5. The Public Utility Board shall appoint a competent person as superintendent of each public utility which is now or which may hereafter be owned or operated by the said City of Bessemer, Alabama. In the event that more than one such public utility is now or may hereafter be owned or operated by said City of Bessemer, then said Public Utility Board may at its option consolidate the offices of superintendent of each such public utility and elect or appoint one superintendent to superintend the operation and conduct of two or more such public utilities. Said superintendent shall have the proper qualifications of education and experience for the operation and conduct of the particular public utility which he is employed to superintend, and any other reasonable qualifications which the Public Utility Board may require of him. The Public Utility Board shall fix the compensation to be paid such superintendent for his services in connection with the operation of any such public utility or public utilities, and may enter into a valid contract of employment with such superintendent, provided, however, that such contract does not exceed a term of five years. The Public Utility Board shall also have the sole and exclusive power and authority to determine the operating personnel to be employed in and about the operation, conduct or maintenance of each and every such public utility, which is now or may hereafter be owned or operated by the City of Bessemer, Alabama, and shall have exclusive authority and power to determine the qualifications and competence of such employees and shall have full power to employ and discharge any and all employees engaged in the operation, conduct or maintenance of various departments of each and every such public utility owned or operated by the City of Bessemer, Alabama, and to fix the compensation and terms of employment of such employees. Neither the Mayor nor any member of the City Council of the City of Bessemer, Alabama, shall be qualified to accept any employment in any way pertaining to the operation, conduct or maintenance of any such public utility for and during a period of one year following the termination of their official connection with the government of the City of Bessemer, Alabama; nor shall any person be appointed or employed by said Public Utility Board to perform any duties or functions in any way connected with the operation, conduct or maintenance of said public utility or public utilities if such person is related by blood or marriage to the Mayor or to any member of said City Council of the City of Bessemer, Alabama, or to any member of said Public Utility Board, within the third degree as provided by Civil Law. Nor shall any person be appointed or employed by said Public Utility Board to perform any duties in connection with the operation, conduct or maintenance of such public utility or public utilities if such person stands in the relation of either employer or employee to any member of the City Council or Public Utility Board of the City of Bessemer, Alabama.

Section 6. Said Public Utility Board is hereby invested with full and complete authority to determine all policies and to adopt all reasonable regulations which may be necessary or desirable in and about the operation, conduct or maintenance of any such public utility over which it is given jurisdiction and control by this Act. However, the right to establish rates for the consumption of any commodity served by any such public utility so owned or operated by the City of Bessemer, Alabama, shall be reserved to the City Council of said City.

Section 7. The City Council of the City of Bessemer shall have the right to remove any member of the Public Utility Board of said City only after a public hearing has been held on the question of the removal of such member and then such removal may be had only by a vote of three fourths of those elected to the City Council of said City. No proceedings for removal of any member of said Public Utility Board shall be had except for malfeasance, mis-

feasance, nonfeasance or corruption in office charged to the member so sought to be removed. The proceedings for removal of any member of the Public Utility Board shall be conducted as now provided for by law for the impeachment of city officials.

Section 8. That all laws, general, special or local in conflict with the provisions of this act are hereby repealed in so far as such conflict exists.

Section 9. That this act shall take effect immediately upon its due passage and approval.

Section 10. That if any section, clause or provision of this act shall be held to be unconstitutional and void or ineffective, it shall in no wise affect any other section, clause or provision hereof not unconstitutional and void or ineffective in itself.

JAP BRYANT, Mayor,
City of Bessemer, Alabama.

Tribune-Advertiser,
Aug. 11-18-25, Sept. 1, 1939.

AFFIDAVIT OF PUBLICATION

State of Alabama,
Jefferson County.

Before me, the undersigned Notary Public in and for said County, in said State, personally appeared Howe Price, who being duly sworn, says on oath that he is Publisher of The Tribune-Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice An Act, creating public utility board, City Bessemer, Ala., was published for 4 weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were August 11, 18, 25 & Sept. 1st, 1939, and that the attached bill is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement, and that a copy of this newspaper containing the first notice of sale was mailed to the Mortgagor at his last known address.

HOWE PRICE, Publisher.

Subscribed and sworn to before me this the 11th day of Sept., 1939.

FRANCES COPELAND,
Notary Public.

(SEAL)

By Mr. Ellis (with notice and proof):

H. 1059. To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

Local Legislation No. 1.

Notice and proof H. 1059:

NOTICE

Notice is hereby given that the following local bill, regulating the use of steel traps in Shelby County, Alabama will be introduced and passed in the present session of the Legislature of Alabama.

L. H. ELLIS, Representative

AN ACT

To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That it shall be unlawful for any person, firm or corporation, to use steel traps, or other similar devices, in Shelby County, Alabama, for trapping or catching any wild game, wild fowl or fur-bearing animal, except as hereinafter expressly provided.

Section 2. Any resident of said county or members of his family may use steel traps, or other similar devices in the County for trapping or catching wild game, wild fowl or fur-bearing animals on land owned by him, or in his possession, and any member of a sportsman's club, who resides in the County, may use steel traps or similar devices for trapping or catching wild game, wild fowl or fur-bearing animals on land of which said Club is in possession under a bona fide written lease, or upon lands which said Club may own; provided said member has the written consent of said club so to do.

Section 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than twenty five dollars for each offense, and may also be imprisoned in the County jail or sentenced to hard labor for the County for not more than six months.

Section 4. All laws in conflict herewith are hereby repealed.

Section 5. This Act shall become effective upon its passage and approval by the Governor.

THE STATE OF ALABAMA,
SHELBY COUNTY.

Personally appeared before me, Judge of Probate, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of The Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper five weeks consecutively, to wit, in the issues thereof dated as follows:

August 10-17-24-31 and Sept. 7, 1939.

MRS. LUTHER FOWLER,

Publisher.

Subscribed and sworn to before me this 7th day of September, 1939.

L. C. WALKER,

Judge of Probate.

By Messrs. Castleberry, Mayhall, Henson, Hill, Phillips, Carwile, Mathews of Clarke, and Brown of Covington:

H. 1060. To provide an additional sum of approximately \$500,000 annually for old age assistance in this state; to levy a license or privilege tax on persons who sell and/or store and/or receive for the purpose of distribution malt or brewed beverages, and to provide for the distribution of revenue therefrom.

Ways and Means.

By Mr. Thomas (with notice and proof):

H. 1061. To fix the compensation or salary to be paid the Judge of Probate of Morgan County, Alabama, and to regulate the pay-

ment of the same; to provide for the compensation of clerks, deputies, clerical assistants, and other expenses in the Probate Office of Morgan County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Morgan County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies, and other clerical assistants, and other office expenses, out of the funds of Morgan County, and to provide rules and regulations for the management and operation of such office, made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

Local Legislation No. 1.

Notice and proof H. 1061:

STATE OF ALABAMA, MORGAN COUNTY

NOTICE is hereby given that at the present session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To fix the compensation of salary to be paid the Judge of Probate of Morgan County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants, and other expenses in the Probate Office of Morgan County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Morgan County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies, and other clerical assistants, and other office expenses, out of the funds of Morgan County, and to provide rules and regulations for the management and operation of such office, made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That commencing at the beginning of the next term of office of the Judge of Probate of Morgan County, Alabama, that is the term of office of the Judge of Probate commencing on the first Monday after the second Tuesday in January, 1941, the Judge of Probate of Morgan County, Alabama, shall receive an annual salary of six thousand (\$6,000.00) dollars, which shall be paid out of the treasury of said county in equal monthly installments at the end of each month, and said salary shall be in lieu of all other compensation, allowances, fees, or emoluments, except as herein otherwise provided, to said officer.

Section 2. The Judge of Probate of Morgan County, Alabama, shall be entitled to and receive in addition to the annual salary allowed, the fees now or hereafter allowed by law for attesting each satisfaction of a mortgage, approving, filing and recording each official bond, filing each claim and giving receipt therefor against estates.

Section 3. That when this Act goes into effect said Judge of Probate shall continue to collect all legal charges, costs, fees, compensation, and allowances, heretofore or hereafter authorized to be collected by him, and shall pay same into the County Treasury on the first Monday of each month thereafter, except those specified in Section 2 hereof.

Section 4. The Board of Revenue and Control or like governing body, of Morgan County, Alabama, is required, authorized, and empowered to provide sufficient clerks, deputies, and other assistants to the said Judge of Probate, but the said Judge of Probate shall select the said clerks, deputies, and other assistants, and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed nine thousand (\$9,000.00) dollars per annum, unless the Board of Revenue and Control of Morgan County, Alabama, or other like governing body, allows a larger sum therefor, not to exceed ten thousand five hundred (\$10,500.00) dollars in any event. The said Judge of Probate shall have the right to discharge the said clerks, deputies, and assistants at will. The Board of Revenue and Control, or like governing body, of Morgan County, Alabama, is authorized and empowered to adopt rules and regulations, if necessary, for the conducting and operation of such office made necessary by changing the method and basis of compensation under this Act. The salaries or compensation of said clerks, deputies, and assistants shall be paid on the first and fifteenth of each month, out of the general fund of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid.

Section 5. The Board of Revenue and Control or like governing body, of Morgan County, shall provide said Judge of Probate with the necessary quarters, books, stationery, office equipment, supplies, files, furniture, typewriters, adding machines, postage, telephone, ice, electric clock rental and other conveniences and equipment necessary for the proper and efficient conducting and handling of the affairs of said office.

Section 6. The salary or compensation herein fixed shall be in lieu of all fees, compensation, and allowances heretofore allowed and paid to said Judge of Probate of said Morgan County, Alabama, and said Judge of Probate shall not receive any compensation or allowances for any ex-officio services rendered by him.

Section 7. That all laws and parts of laws, both general and local, as applied to Morgan County, Alabama, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 8. The invalidity of any part of this Act shall not affect the remainder thereof.

RUTLEDGE S. THOMAS
NORMAN W. HARRIS

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,
MORGAN COUNTY.

Before me, the undersigned authority in and for said County and said State, this day personally appeared D. K. Wiggins, who, being by me first duly sworn, deposes and says:

That he is owner and publisher of the Hartselle Enquirer, which is now and has been during the time herein mentioned a newspaper of general circulation published in Morgan County, Alabama, and that the foregoing notice was published in the issues of said paper of date August 17, 24, 31 and September 7, 1939.

D. K. WIGGINS

Sworn to and subscribed before me, this the 9th day of September, 1939.

GORDON O. FRANCIS,
Notary Public.

By Mr. Thomas:

H. 1062. To create and establish boards to be known as Boards of County Commissions in and for all counties in the State of Alabama which now have or which may hereafter have a population of not less than fifty five thousand five hundred, and not more than sixty three thousand, according to the last or any subsequent federal census, in the place of boards of revenue, courts of county commissioners or other like governing bodies now existing in said counties, and abolishing said boards of revenue or other like governing bodies, and providing for the election of said boards by the qualified electors of the county in which they are created, and for the election of a chairman of said commissions; defining the jurisdiction of said county commissions, and fixing their compensation, and conferring upon said county commissions all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of said kind and authority in the State of Alabama; and providing for the election of the successors of said commissions, for the appointment of a secretary of said commissions, and fixing his salary, and providing the date when said commissioners shall take office.

Rules.

By Mr. Langan (with notice and proof):

H. 1063. To provide for the establishment of the Mobile County Text Book Commission, its membership, duties and functions; to provide for the appropriation by the City of Mobile and County of Mobile governing bodies of certain sums yearly for the purchase of text books; to provide for the purchase and distribution of said text books; to provide for certain powers of said commission and penalty for their failure to act; to provide for the compensation of said Commission.

Local Legislation No. 1.

Notice and proof H. 1063:

Notice is hereby given that there will be introduced for passage at the regular session of the Legislature of Alabama of 1939, a bill providing in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the establishment of the Mobile County Text Book Commission its membership, duties and functions; to provide for the appropriation by the City of Mobile and County of Mobile governing bodies of certain sums yearly for the purchase of text books; to provide for the purchase and distribution of said text books; to provide for certain powers of said commission and penalty for their failure to act; to provide for the compensation of said Commission.

Be It Enacted By The Legislature of Alabama.

Section 1. There is hereby established and created the Mobile County Text Book Commission whose membership shall consist of those persons who are duly elected to and holding the office of Mobile County Board of School Commissioners. This Commission shall receive from the City of Mobile and County of Mobile governing bodies, funds which are to be expended by said commission in the purchase of text books. Any member of said Board of School Commissioners who fails or refuses to act as a member of the Mobile County Text Book Commission shall thereby forfeit his membership on the Board of School Commissioners.

Section 2. The Mobile County Board of Revenue and Road Commissioners, or other like governing body, is hereby empowered and directed to appropriate annually from its general operating fund the sum of \$8,000.00 and pay the same to the Mobile County Text Book Commission beginning July 1st, 1943, and every year thereafter, during the existence of said text book commission. These payments are to be made by warrants drawn by the chairman of the Mobile County Board of Revenue and Road Commissioners, or other like governing body, on the county treasury of Mobile County, Alabama.

Section 3. The Board of City Commissioners of the city of Mobile, Alabama, shall commencing July 1st., 1943, pay annually to the Mobile County Text Book Commission the sum of \$7,000.00 from its general operating fund, as are paid its officers and employees.

Section 4. The members of the text book commission shall meet quarterly beginning with the organization meeting to be held the first Tuesday in June, 1943. At this meeting the commission shall select one of its members as president and one of its members as secretary-treasurer, and they shall serve as such for the duration of their term of office as school commissioners. Within one month after the election and qualification of each succeeding board of county school commissioners they shall meet as a text book commission and shall select one of their members as president and one as secretary-treasurer. All funds expended by said Commission shall be by warrant drawn by the Secretary-treasurer and countersigned by the president against the text book fund. Said commission shall also formulate and promulgate such rules and regulations as are necessary to accomplish the purpose of this act and such rules and regulations shall be given the effect of law where not in conflict with this act or any general or local law of the State of Alabama.

Section 5. Each member of the commission shall be compensated for services performed as a member of said commission by receiving the sum of \$5.00 for every meeting attended by him, provided however, if there are more than five meetings held within one yearly then the total compensation to be

allowed any member shall be \$25.00. This compensation shall be drawn from the funds of the commission by the warrant of said commission.

Section 6. The text book commission shall purchase and supply to all school children of Mobile County, Alabama, whether said children attend public, private or parochial schools, free text books for as many grades as the funds available will purchase. Where the cost of text books of any children attending private or parochial schools amounts to a larger sum than the costs of supplying text books to the children in the public schools in the same grade then the commission shall only pay such sum toward the purchase of said books as would equal the sum expended for the books for the same grade in the public schools per pupil. That said commission shall begin purchasing books for the grade next above the grade for which the State furnishes free text books and when they have supplied all children in Mobile County in that grade with books and have sufficient funds on hand for replacements then they shall purchase books for the next higher grade.

Section 7. All books purchased by the commission shall remain the property of the commission and any pupil destroying or defacing the books used by him shall be compelled to purchase the same and his parents shall be liable for the purchase price.

Section 8. If any section or part of this act shall be declared unconstitutional or void for any reason it shall not effect the validity of the remaining sections or parts thereof.

Section 9. That all laws and parts of laws, general, special and local, in conflict herewith are hereby expressly repealed.

Section 10. This act shall take effect on its passage and approval by the Governor or its otherwise becoming a law.

aug14-21-28-sept4

H. N. Curran being sworn, says that he is the Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Press, Aug. 14, 21, 28; Sept. 4, 1939.

H. N. CURRAN.

Sworn to and subscribed before me this 6th day of Sept., 1939.

GREG L. KENNY,
Notary Public.

(SEAL)

By Mr. Stone:

H. 1064. To further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama composed of one county and having more than two and less than five circuit judges; to further fix and regulate the compensation of said circuit solicitors; to prohibit all such circuit solicitors from engaging in the practice of law directly or indirectly in any of the courts of the State of Alabama or of the United States, or in any other manner or form whatsoever, except in the performance of their official duties as such solicitors; to provide for furnishing by the State the necessary stationery, telephones, stamps, supplies, and equipment to each of the several solicitors; to require the county governing body of each county in which any such solicitor is a resident, to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors and to make provision for the payment of such salaries as well as the expenses authorized

hereunder, and to provide for the effective date of this Act, and to repeal all laws, general local and special, and parts of such laws in conflict herewith.

Local Legislation No. 1.

By Mr. Barchard and Mr. Quarles:

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies.

Military.

By Mr. Merrill:

H. 1066. To authorize the creation and establishment of Public Utility Boards in all cities of the State of Alabama with a population of not less than twenty-two thousand not more than forty thousand according to the last or any subsequent federal census; to define and provide the power and authority of said boards in and about the operation and conduct and maintenance of each and every public utility which is now or may hereafter be owned or operated by said cities; to provide for the election of the members of said Public Utility Boards, and the filling of vacancies thereon, and to determine the qualifications of the members of said boards; to define and provide for the duties, power and authority of said Public Utility Boards and to provide for the meetings and functioning thereof; to provide for the appointment, selection, qualifications

and employment and discharge of all employees engaged in the operation, conduct or maintenance of every public utility which now is or may hereafter be owned or operated by said cities; to provide for the adoption of policies and regulations by said Boards with regard to the operation, conduct or maintenance of each and every public utility which is now or which may hereafter be owned or operated by said cities; and to provide for the removal and impeachment of members of said Public Utility Boards.

Rules.

By Mr. Welch:

H. 1067. To provide that all fines and forfeitures imposed or incurred for a violation of the provisions of an Act entitled "The Alabama Highway Code", approved August 23, 1927, and an Act entitled "An Act defining motor transportation companies and "motor transportation operators", conferring jurisdiction upon the Alabama Public Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violations thereof", approved June 19, 1931, and an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts or laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency", approved October 6, 1932, and an Act entitled "An Act defining contract carriers and common carriers by motor vehicles not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such

carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judge; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions in like orders respecting the same, and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act", approved October 28, 1932, and an Act entitled "An Act to prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act", approved March 4, 1937, or any Acts amendatory thereof, shall, when collected, be covered into the State Treasury to the credit of the Highway Patrol Fund to be expended as the other moneys in said Fund.

Judiciary.

By Mr. Austin and Mr. Dominick (with notice and proof):

H. 1068. TO AUTHORIZE, PERMIT, AND ALLOW THE BOARD OF REVENUE OF TUSCALOOSA COUNTY, ALABAMA, TO AUTHORIZE THE INSTALLATIONS AND USE OF VOTING MACHINES THROUGHOUT SAID COUNTY OR IN ONE OR MORE BEATS THEREOF, IN ALL ELECTIONS, GENERAL SPECIAL OR PRIMARY, TO BE THEREAFTER HELD IN SAID COUNTY, WITHOUT SUBMITTING THE QUESTION AS TO WHETHER OR NOT SAID VOTING MACHINES SHALL BE USED IN SAID ELECTIONS TO THE VOTE OF THE ELECTORS OF SAID COUNTY; AND TO PROVIDE THAT WHEN A RESOLUTION IS ADOPTED AUTHORIZING THE INSTALLATION AND USE OF SUCH VOTING MACHINES, THEY SHALL FORTHWITH BE ACQUIRED BY THE SAID BOARD OF REVENUE AND USED THROUGHOUT SAID COUNTY OR IN THE BEAT OR BEATS THEREOF FOR WHICH SUCH VOTING MACHINES ARE ACQUIRED IN ALL SAID ELECTIONS THEREAFTER HELD IN SAID COUNTY IN CON-

FORMITY WITH AND SUBJECT TO THE GENERAL LAW OF THE STATE OF ALABAMA REGULATING THE ACQUISITION AND USE OF VOTING MACHINES BY COUNTIES OF THE STATE OF ALABAMA.

Local Legislation No. 1.

Notice and proof H. 1068

A NOTICE

Notice is hereby given that application will be made to the 1939 Regular Session of the Legislature of Alabama for the passage of a bill substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

TO AUTHORIZE, PERMIT, AND ALLOW THE BOARD OF REVENUE OF TUSCALOOSA COUNTY, ALABAMA, TO AUTHORIZE THE INSTALLATION AND USE OF VOTING MACHINES THROUGHOUT SAID COUNTY OR IN ONE OR MORE BEATS THEREOF, IN ALL ELECTIONS, GENERAL, SPECIAL OR PRIMARY, TO BE THEREAFTER HELD IN SAID COUNTY, WITHOUT SUBMITTING THE QUESTION AS TO WHETHER OR NOT SAID VOTING MACHINES SHALL BE USED IN SAID ELECTIONS TO THE VOTE OF THE ELECTORS OF SAID COUNTY; AND TO PROVIDE THAT WHEN A RESOLUTION IS ADOPTED AUTHORIZING THE INSTALLATION AND USE OF SUCH VOTING MACHINES, THEY SHALL FORTHWITH BE ACQUIRED BY THE SAID BOARD OF REVENUE AND USED THROUGHOUT SAID COUNTY OR IN THE BEAT OR BEATS THEREOF FOR WHICH SUCH VOTING MACHINES ARE ACQUIRED IN ALL SAID ELECTIONS THEREAFTER HELD IN SAID COUNTY IN CONFORMITY WITH AND SUBJECT TO THE GENERAL LAW OF THE STATE OF ALABAMA REGULATING THE ACQUISITION AND USE OF VOTING MACHINES BY COUNTIES OF THE STATE OF ALABAMA.

Section 1. The Board of Revenue of Tuscaloosa County, Alabama, is hereby authorized, permitted and allowed to authorize the installation and use of voting machines, throughout said county or in one or more beats thereof, in all elections, general special, or primary, to be thereafter held in said county, without submitting the question as to whether or not said voting machines shall be used in such elections to the vote of the electors of said county.

Section 2. Upon the Board of Revenue of Tuscaloosa County, Alabama, adopting a resolution providing for the installation and use of such voting machines, such voting machines shall forthwith be acquired by such Board of Revenue for and on behalf of said county and used, throughout said county or in the beat or beats thereof for which said voting machines are acquired, in all elections, general, special, or primary, thereafter held in said county, in conformity with and subject to the general laws of the State of Alabama regu-

lating the acquisition and use of voting machines by counties of the State of Alabama.

Section 3. Should any part of this act be declared invalid for any reason then such invalidity shall not affect the validity of the remainder of this act.

Section 4. This act shall become effective upon its passage and approval by the Governor.
21-28-4-11.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, Aug. 21, 28; Sept. 4, 11, 1939.

BRUCE SHELTON

Publisher.

Subscribed and sworn to before me on this the 11th day of Sept., 1939.

LILLA COLLINS,

Notary Public.

By Mr. Langan:

H. 1069. To provide that in all counties in this state which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such County shall pay the sum of Twelve Hundred Dollars (\$1200.00) per annum in equal monthly installments out of the general funds of such counties to the person designated by the Sheriffs in such counties as his official attorney; to provide that the Sheriffs in such counties may designate and appoint the attorney to represent him in his official capacity as such Sheriff; to provide that such attorney may be discharged at the will of such Sheriff; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

Local Legislation No. 1.

By Mr. Langan:

H. 1070. To provide that in all counties in this state which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such county shall pay, out of their respective county treasuries, the premiums on the official bonds of the sheriffs in such counties as well as the premiums on the official bonds of the deputies, clerks and employees of such sheriffs; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

Local Legislation No. 1.

BILLS ON SECOND READING

Mr. Brown, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 439. To amend Sections 423 and 424 of the Alabama School Code of 1927.

S. 497. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

Mr. Hodo, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 374. To amend Section 7028 of the Code of Alabama of 1923, by providing that Railroad Companies may own and operate motor vehicles and aeroplanes for the transportation of persons or property, and may acquire property, rights and franchises of others engaged in such transportation, and may acquire and own capital stock of corporations and may enter into agreements with others engaged in or authorized to engage in such transportation; and providing regulations governing such transportation.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 390. To amend Section 10188 of the Code of Alabama of 1923.

S. 415. To provide that certain claims for damages growing out of personal injuries cannot be settled until the expiration of ten days from the date such injuries were received.

S. 435. To amend Subsection 21 of Section 5 of the "Department of Finance Act of 1939," approved March 7, 1939.

S. 455. To amend Section 1744 of the 1923 Code of Alabama.

H. 902. To amend the title and Section 1 of an Act entitled "An Act to permit the playing of tennis, golf, baseball and operating of moving picture shows on Sunday, whether admission is charged thereto or not, in cities of the State which now have or may here-

after have a population of not less than Fifteen Thousand inhabitants nor more than Forty Thousand Inhabitants, according to the last or any subsequent Federal Census, and within the police jurisdiction thereof; to provide that the governing body of any such city may by ordinance prohibit any or all of the acts herein named and must upon the passage of such ordinance provide that permitting or prohibiting thereof be submitted at the next election to be held in such city, and to provide for holding of other and subsequent elections on such acts and for cost thereof.", approved September 13, 1935.

Mr. Branyon, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

S. 363. To amend Section 1883 of the Code of Alabama, 1923.

Mr. Hall, Chairman of the Standing Committee on Local Legislation #1, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 502. To provide a statute of limitations for the presentation and payment of claims against the Fine and Forfeiture Fund of Marengo County, Alabama; to provide for the time within which claims against such Fine and Forfeiture Fund shall be registered, and to provide for notice to be given holders of claims against such fund.

S. 501. To Provide for the Employment of a Chief-Deputy Sheriff and Two Deputy Sheriffs for Baldwin County, Alabama; To Prescribe their term of office, and to fix their salary, and the manner of payment:

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

By Mr. Booth (with notice and proof):

S. 426. To provide additional compensation for the Tax Collector and Tax Assessor of Calhoun County, Alabama to provide for the retaining by such Tax Collector and Tax Assessor of all compensation, fees, commission and allowances received by them or either of them for the collecting or assessing any ad valorem taxes for, on behalf of or that may be due any municipality or municipal corporation in Calhoun County, Alabama; to provide that any such compensation, fees, commissions, and allowances so received and

retained by them, or either of them, shall become the property of such Tax Collector or Tax Assessor and shall not be paid into the County Treasury; to provide that such compensation, fees, commission, and allowances shall be in addition to the salary and allowances provided by the Act of the Legislature of Alabama approved September 13, 1935 and appearing on page 269 and 270 of the Local Acts of Alabama, 1935 and that said last named Act shall remain in effect and not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for; and to provide for the effective date of this Act.

Mr. Kaul, Chairman of the Standing Committee on Forestry and Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairies, grass, grain or stubble in this state.

S. 436. To prescribe additional powers, duties and authorities of the Department of Conservation and the Director of Conservation with reference to the operation and maintenance of State Parks and the acquisition of lands for such Parks; to authorize the execution of contracts arising out of the use and ownership of such lands and the waters thereof; to authorize the adoption of rules and regulations governing the use of State Parks and to provide penalties for the violation thereof; to provide for roads and highways therein; to authorize counties and municipalities to aid in the promotion of the State Park system; and to create a State Park Fund.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 218. To amend Sections 3, 4, and 5 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensa-

tion of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 813 without my approval.

This bill, in my opinion, violates Sections 68 and 281 of the Constitution of Alabama.

Respectfully,
FRANK M. DIXON,
Governor.

September 12, 1939.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from his Excellency, the Governor, containing his veto of House bill No. 813, and the House refused to again pass said bill, the Governor's veto to the contrary notwithstanding.

Yeas, 0; Nays, 67.

Nays:

Mr. Speaker	Delony	McCord	Scott
Allen	Devers	McGowin	Segrest
Austin	Dobbs	Nation	Sherrer
Bagley	Doster	Neighbors	Sightler
Ball	Garrett	Newman	Spence
Barnes	Graham	Norman (Bullock)	Stone
Beck	Green	Norman (Lowndes)	Tidmore
Booth	Haynes	Owens	Toomer
Branyon	Henson	Payne	Tucker
Brown (Covington)	Hill	Peacock	Waldrop
Brown (Lee)	Jones	Petrey	Welch
Carwile	Kaul	Phillips	Whigham
Chewning	Langley	Pitts	White
Clayton	Lovelace	Pool	Wood
Cope	Martin	Robertson (Cullman)	Young
Davis (Madison)	Mayhall	Sadler	Waller
Dearman	Miller	Sanderson	

—67

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 916 without my approval.

The bill is violative of Section 44 of the Constitution of Alabama, which provides:

"The Legislative power of this State shall be vested in the Legislature which shall consist of a Senate and House of Representatives".

The bill undertakes to provide for the authorization of levy of a tax on gasoline not exceeding three cents per gallon in Jackson County, Alabama, on the condition that a majority of the qualified electors of said County voting at an election held for such purposes shall approve the tax scheme.

Recently the Supreme Court spoke to this question, In Re: Opinions of the Justices, 232 Alabama, 56, in which the referendum provision of the Sales Tax Act of 1926 was considered, as follows:

"*** and it is our opinion that it was never the purpose or intention under our form of government to raise revenue or levy taxes by a general election, except in the few cases provided for by the Constitution. We think that the fact that the Constitution requires and authorizes elections on a certain character of taxes indicates the idea that elections on all other taxes are excluded."

A tax on gasoline is not one of the cases upon which elections are authorized by the Constitution.

Respectfully,

FRANK M. DIXON,
Governor.

September 12, 1939.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from his Excellency, the Governor, containing his veto of House bill No. 916, and the House refused to again pass said bill, the Governor's veto to the contrary notwithstanding.

Yeas, 0; Nays, 66.

Nays:

Mr. Speaker

Allen	Devers
Austin	Dobbs
Ball	Dominick
Barnes	Doster
Beck	Ellis
Booth	Garrett
Boswell	Gewin
Brown (Covington)	Green
Brown (Lee)	Gwin
Carwile	Hardwick
Clayton	Haynes
Cobb	Hill
Cope	Jones
Davis (Madison)	Kaul
Dearman	Langley
Delony	Martin
	Mathews (Clarke)

Matthews (Jackson)	Sadler
Mayhall	Segrest
Meggins	Sessions
Miller	Smyer
McCord	Spence
Neighbors	Stallings
Newman	Stone
Norman (Bullock)	Taylor
Owens	Tidmore
Payne	Toomer
Peacock	Tucker
Petrey	Welch
Phillips	Weston
Pitts	Whigham
Pool	Wood
Robertson (Cullman)	Young

BILLS ON THIRD READING

S. 441. To provide for the payment by Cullman County of the costs of local improvements on streets and avenues abutting County property, and the interest thereon, done by the City of Cullman at the instance of the County authorities, under local improvement assessments made against said County by the City of Cullman during the year 1928, which the City of Cullman had paid or is now liable to pay.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Owens	Spence
Allen	Graham	Payne	Stallings
Austin	Hall	Peacock	Stone
Bagley	Hardwick	Petrey	Taylor
Ball	Hare	Phillips	Thomas
Barchard	Haynes	Pitts	Tidmore
Barnes	Henson	Pool	Toomer
Beck	Hill	Quarles	Tucker
Booth	Jones	Robertson (Cullman)	Walden
Boswell	Kaul	Scott	Waldrop
Branyon	Langan	Segrest	Wallace
Dearman	Langley	Sessions	Waller
Delony	Mathews (Clarke)	Sherrer	Welch
Devers	Matthews (Jackson)	Sightler	Weston
Flowers	Megginson	Smyer	Whigham
Garrett	McDanal	Snyder	Young
Gewin			

—65

S. 482. For the relief of Robert L. Goldsmith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Kaul	Phillips
Barnes	Dominick	Langan	Pitts
Beck	Doster	Langley	Pool
Booth	Ellis	Locke	Quarles
Boswell	Flowers	Martin	Robinson (Lowndes)
Brown (Covington)	Garrett	Mayhall	Sadler
Brown (Lee)	Gewin	Megginson	Sanderson
Carwile	Golson	Miller	Segrest
Castleberry	Graham	McCord	Stone
Clayton	Graves	McDanal	Taylor
Cobb	Green	McGowin	Thomas
Cook	Gwin	Norman (Lowndes)	Tidmore
Cope	Hill	Owens	Toomer
Davis (Madison)	Hodo	Payne	White
Dearman	Jenkins	Peacock	Wood
Delony	Jones	Petrey	Young
Devers			

—65

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Collier	Langan	Stallings
Allen	Cook	Langley	Stone
Austin	Cope	Locke	Taylor
Bagley	Davis (Madison)	Lovelace	Thomas
Ball	Dearman	Martin	Tidmore
Barchard	Delony	Megginson	Toomer
Barnes	Devers	Miller	Tucker
Beck	Dobbs	McCord	Walden
Booth	Garrett	McDanal	Waldrop
Boswell	Gewin	Owens	Wallace
Branyon	Golson	Payne	Waller
Carwile	Hardwick	Peacock	Welch
Castleberry	Hare	Petrey	Weston
Chewning	Haynes	Sadler	Whigham
Christopher	Henson	Sanderson	White
Clayton	Jenkins	Spence	Wood
Cobb			

—65

H. 1044. To Place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Cobb	Davis (Madison)	Ellis
Chewning	Collier	Dobbs	Flowers
Christopher	Cook	Dominick	Garrett
Clayton	Cope	Doster	Gewin

Golson	Jones	Neighbors	Sightler
Graham	Kaul	Newman	Smyer
Graves	Langan	Norman (Bullock)	Snyder
Green	Mathews (Clarke)	Norman (Lowndes)	Stone
Gwin	Mayhall	Owens	Taylor
Hall	Matthews (Jackson)	Payne	Toomer
Hardwick	Megginson	Peacock	Tucker
Hare	Miller	Petrey	Walden
Haynes	McCord	Phillips	Weston
Henson	McDanal	Pitts	Whigham
Hill	McGowin	Pool	White
Hodo	Nation	Quarles	Young
Jenkins			

—65

On motion of Mr. Stone the bill, H. 1044, was ordered sent forthwith to the Senate without engrossment.

S. 486. To require the payment of Medical, Hospital and Doctor's bills upon the payment, settlement, or compromise in Mobile County, Alabama, of claims or judgments for damages for personal injuries, when such Medical, Hospital, or Doctor's Bills are incurred in connection with the treatment or cure of such personal injuries and the amount thereof is included in the amount of such payment, settlement or compromise, and written itemized bills therefor are presented, prior to such payment, settlement or compromise, to the party against whom recovery is sought, and to fix the liability therefor of parties paying, settling or compromising such claims or judgments.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Delony	Miller	Smyer
Allen	Devers	McDanal	Snyder
Austin	Doster	McGowin	Stone
Bagley	Ellis	Nation	Taylor
Ball	Golson	Neighbors	Thomas
Barchard	Graves	Petrey	Tidmore
Barnes	Green	Phillips	Toomer
Beck	Henson	Pitts	Waldrop
Booth	Hill	Robertson (Cullman)	Wallace
Boswell	Hodo	Robinson (Lowndes)	Waller
Branyon	Jenkins	Robinson (St. Clair)	Welch
Brown (Covington)	Langan	Scott	Weston
Brown (Lee)	Locke	Segrest	Whigham
Carwile	Lovelace	Sessions	White
Castleberry	Mayhall	Sherrer	Wood
Cope	Megginson	Sightler	Young
Dearman			

—65

S. 489. Requiring the Board of Commissioners or other like governing body of each municipality in the county of Mobile to

provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in each such municipality, without submitting the question as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and to provide that such voting machines shall thereafter be used in all such municipal elections held in any such municipality, in conformity with and subject to the general law of the State of Alabama regulating the use of voting machines in municipalities in the State of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Kaul	Sadler
Allen	Gewin	Langan	Sherrer
Austin	Golson	Langley	Sightler
Bagley	Graham	Locke	Smyer
Ball	Graves	Mayhall	Snyder
Booth	Green	Meggison	Spence
Boswell	Gwin	Miller	Stone
Branyon	Hall	McCord	Taylor
Carwile	Hardwick	McDanaI	Wallace
Castleberry	Hare	McGowin	Waller
Clayton	Haynes	Nation	Welch
Cobb	Henson	Owens	Weston
Collier	Hill	Payne	Whigham
Cook	Hodo	Pitts	White
Cope	Jenkins	Pool	Wood
Davis (Madison)	Jones	Quarles	Young
Flowers			

—65

S. 488. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at the General Election to be held in November, 1940, an Amendment to the Constitution of Alabama so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, alter and regulate the fees, commissions, allowances and salary, including the method or basis of the compensation to be charged or allowed to the Sheriff of Mobile County, Alabama, and to provide the method and basis of the compensation of such Sheriff of Mobile County; and whereby all Acts of the Regular Session of the Alabama Legislature of 1939 and 1939-1940, heretofore or hereafter passed and applicable to or purporting to be applicable to such County, and fixing or purporting to fix the compensation of said Sheriff of Mobile County on a salary basis, are validated and confirmed.

Be it Enacted by the Legislature of Alabama:

SECTION I. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the quali-

fied voters of the State of Alabama for their consideration as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed."

SECTION II. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least eight successive weeks next preceding the date of the election on the Amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed Amendment.

SECTION III. That the General Elections to be held in Alabama in November, 1940, the proposed Amendment shall be submitted to the qualified voters of the State of Alabama. Upon the ballots used at said election shall be printed the following, by: "Shall the following be adopted as an amendment to the Constitution of Alabama?" The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed."

Yes_____ No_____ The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her choice.

SECTION IV. The Election Officers at such election shall provide a balloting place for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in

accordance with the law governing general elections. At the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall appear thereupon that a majority of the qualified electors who voted upon the proposed amendment voted, in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Was read a third time at length and passed.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Devers	Locke	Scott
Allen	Dobbs	Lovelace	Segrest
Austin	Dominick	Martin	Sessions
Bagley	Doster	Mathews (Clarke)	Sherrer
Ball	Flowers	Matthews (Jackson)	Sightler
Barchard	Gewin	Megginson	Snyder
Barnes	Graham	Miller	Spence
Beck	Graves	McCord	Stallings
Booth	Green	McDanal	Stone
Boswell	Gwin	McGowin	Taylor
Brown (Covington)	Hall	Neighbors	Tucker
Brown (Lee)	Hare	Newman	Walden
Carwile	Haynes	Owens	Waldrop
Castleberry	Henson	Payne	Wallace
Chewning	Hill	Peacock	Waller
Christopher	Hodo	Petrey	Welch
Clayton	Jenkins	Phillips	Weston
Collier	Jones	Pitts	Whigham
Cope	Kaul	Pool	White
Davis (Madison)	Langan	Quarles	Wood
Dearman	Langley	Sadler	Young
Delony			

—85

S. 442. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation, to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General

Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931", approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits, to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker
Bagley
Ball
Barnes
Beck
Booth
Boswell
Branyon

Cook
Cope
Davis (Madison)
Dearman
Delony
Devers
Dobbs
Dominick

Doster
Ellis
Flowers
Garrett
Gewin
Golson
Graham
Graves

Green
Gwin
Hall
Hodo
Jenkins
Jones
Kaul
Langan

Martin	Newman	Sherrer	Wallace
Mayhall	Payne	Sightler	Waller
Megginson	Pool	Smyer	Welch
Miller	Sadler	Snyder	Weston
McCord	Sanderson	Toomer	Whigham
McDanal	Scott	Tucker	White
McGowin	Segrest	Walden	Wood
Nation	Sessions	Waldrop	Young
Neighbors			

—65

S. 485. To authorize and empower the Board of Revenue or other governing body of like jurisdiction of Montgomery County, Alabama to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any County purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "contingent Fund".

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Ellis	Mayhall	Sherrer
Bagley	Flowers	Megginson	Sightler
Ball	Garrett	Miller	Smyer
Barnes	Gewin	McCord	Snyder
Beck	Golson	McDanal	Toomer
Booth	Graham	McGowin	Tucker
Boswell	Graves	Nation	Walden
Branyon	Green	Neighbors	Waldrop
Cook	Gwin	Newman	Wallace
Cope	Hall	Payne	Waller
Davis (Madison)	Hodo	Pool	Welch
Dearman	Jenkins	Sadler	Weston
Delony	Jones	Sanderson	Whigham
Devers	Kaul	Scott	White
Dobbs	Langan	Segrest	Wood
Dominick	Martin	Sessions	Young
Doster			

—65

S. 388. To Establish the Office of Road Engineer in and for the County of Calhoun; To Prescribe his Qualification and Duties and Fix his salary and Provide for the Method of his Election and Appointment.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:	Golson	Langley	Robinson (Lowndes)
Bagley	Graham	McCord	Robinson (St. Clair)
Ball	Graves	McDanal	Sanderson
Barchard	Green	McGowin	Scott
Barnes	Gwin	Nation	Segrest
Boswell	Hall	Neighbors	Sessions
Branyon	Hardwick	Newman	Sherrer
Brown (Lee)	Hare	Norman (Bullock)	Sightler
Carwile	Haynes	Norman (Lowndes)	Stone
Castleberry	Henson	Owens	Taylor
Chewning	Hill	Peacock	Thomas
Christopher	Hodo	Petrey	Tidmore
Clayton	Jenkins	Pitts	Tucker
Cobb	Jones	Pool	Waldrop
Collier	Kaul	Quarles	Weston
Cook	Langan	Robertson (Cullman)	Whigham
Cope			

—65

S. 387. To create and establish a board to be known as the County Commission for Calhoun County, Alabama in the place of the board of Revenue in and for Calhoun County, Alabama, now existing in said county, and abolishing said board of revenue of Calhoun County; and dividing the said county of Calhoun into two districts, and providing for the election of a member of said county commission from each district by vote of the qualified electors of the entire county; and for the election of a chairman of said county commission; defining the jurisdiction of said county commission, and their compensation, and conferring upon said county commission all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of Alabama; providing for the election of the successors of said commission; for the appointment of a secretary of said commission and fixing his salary, and providing for a date when said commission shall take office.

Was taken up. Mr. Bagley offered the following amendment to the bill, S. 387:

Amend Section 6, Senate Bill 387, by striking the word "three" in the first line of said section, between the words "The" and "members".

Also:

Amend Section 3, Senate Bill 387, so as to read as follows:

SECTION 3. For the purpose of this act said county of Calhoun is hereby divided into two districts, numbered one, to be known as the Northern District of Calhoun County, and numbered two, to be known as the Southern District of Calhoun County. District Number One shall embrace the following precincts of Cal-

houn County as now constituted, viz: 1, 2, 3, 6, 7, 8, 9, 10, 11, 16, 19, 22, 23 and 24. District Number Two shall embrace the following precincts of said county as now constituted, viz: 4, 5, 12, 13, 14, 15, 17, 18, 20 and 21.

And the amendment offered by Mr. Bagley to the bill, S. 387, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:	Davis (Montgomery)	Haynes	Segrest
Allen	Dearman	Henson	Sessions
Austin	Delony	Hodo	Sherrer
Bagley	Devers	Lovelace	Sightler
Beck	Dobbs	Martin	Smyer
Booth	Dominick	Mathews (Clarke)	Snyder
Boswell	Doster	Matthews (Jackson)	Spence
Branyon	Ellis	Mayhall	Stone
Brown (Covington)	Flowers	Nation	Taylor
Brown (Lee)	Garrett	Neighbors	Thomas
Carwile	Gewin	Owens	Waldrop
Clayton	Golson	Payne	Wallace
Cobb	Graham	Peacock	Waller
Collier	Graves	Petrey	White
Cook	Gwin	Pool	Wood
Cope	Hall	Scott	Young
Davis (Madison)	Hare		

—65

And said bill:

S. 387. To create and establish a board to be known as the County Commission for Calhoun County, Alabama in the place of the board of Revenue in and for Calhoun County, Alabama, now existing in said county, and abolishing said board of revenue of Calhoun County; and dividing the said county of Calhoun into two districts, and providing for the election of a member of said county commission from each district by vote of the qualified electors of the entire county; and for the election of a chairman of said county commission; defining the jurisdiction of said county commission, and their compensation, and conferring upon said county commission all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of Alabama; providing for the election of the successors of said commission; for the appointment of a secretary of said commission and fixing his salary, and providing for a date when said commission shall take office.

As amended by the amendment offered by Mr. Bagley, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs.:	Dearman	Megginsin	Segrest
Allen	Doster	Miller	Sessions
Austin	Golson	McCord	Sherrer
Bagley	Graham	McDanal	Sightler
Barchard	Graves	McGowin	Snyder
Barnes	Green	Owens	Spence
Boswell	Gwin	Payne	Stone
Branyon	Hall	Peacock	Tidmore
Brown (Covington)	Hardwick	Petrey	Toomer
Brown (Lee)	Henson	Pitts	Tucker
Carwile	Kaul	Pool	Walden
Castleberry	Langan	Quarles	Welch
Chewning	Langley	Robinson (St. Clair)	Weston
Christopher	Locke	Sadler	Whigham
Cope	Lovelace	Sanderson	Wood
Davis (Madison)	Martin	Scott	Young
Davis (Montgomery)	Mayhall		

—65

S. 194. To authorize and empower a city council or other governing body of any city in the State of Alabama having a population of not less than six thousand and not more than fifteen thousand, according to the last or any subsequent Federal Census, to dissolve the consolidation and administration of county and city schools and operate its schools under the general school laws of the State of Alabama pertaining to City Schools.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Miller	Smyer
Allen	Doster	McCord	Snyder
Austin	Ellis	McDanal	Thomas
Bagley	Flowers	McGowin	Tidmore
Ball	Green	Nation	Toomer
Barchard	Gwin	Owens	Tucker
Barnes	Hall	Payne	Walden
Beck	Hardwick	Phillips	Waldrop
Booth	Hare	Pitts	Wallace
Boswell	Haynes	Pool	Waller
Clayton	Henson	Quarles	Welch
Cobb	Hill	Scott	Weston
Collier	Hodo	Segrest	Whigham
Cook	Jenkins	Scsessions	White
Cope	Jones	Sherrer	Wood
Davis (Madison)	Kaul	Sightler	Young
Dobbs			

—65

H. 1031. To amend Sections 3, 4, 5 and 7 of Act No. 502 of the Regular Session of the Legislature of Alabama of 1923, approved

September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Miller	Smyer
Allen	Doster	McCord	Snyder
Austin	Ellis	McDanal	Thomas
Bagley	Flowers	McGowin	Tidmore
Ball	Green	Nation	Toomer
Barchard	Gwin	Owens	Tucker
Barnes	Hall	Payne	Walden
Beck	Hardwick	Phillips	Waldrop
Booth	Hare	Pitts	Wallace
Boswell	Haynes	Pool	Waller
Clayton	Henson	Quarles	Welch
Cobb	Hill	Scott	Weston
Collier	Hodo	Segrest	Whigham
Cook	Jenkins	Sessions	White
Cope	Jones	Sherrer	Wood
Davis (Madison)	Kaul	Sightler	Young
Dobbs			

—65

On motion of Mr. Snyder the bill, H. 1031, was ordered sent forthwith to the Senate without engrossment.

(With amendment):

S. 495. To amend Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said committee amendment being as follows:

COMMITTEE AMENDMENT TO SENATE BILL 495

Amend Section 2 of said bill so that the same shall read as follows:

"Section 2. That Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939, be and the same is hereby amended to read as follows:

"Section 6. Nothing in this act shall be deemed to require the purchase of or payment of compensation for any existing plant or distribution system within the corporate limits of any agency in which the construction of an electric distribution system has been authorized by an election held prior to the approval of this act, nor shall this act apply with respect to any project for which loans or grants have been made or are under contract to be made by the United States through the Federal Emergency Administrator of Public Works, the Federal Works Administrator, the Commissioner of Public Works, the Federal Works Agency or the Public Works Administration."

Mr. McGowin offered the following substitute for the bill, S. 495, and the amendment reported by the Standing Committee on Municipal Organization to the bill, S. 495.

Substitute for S. 495 and Committee Amendment:

A BILL

To be entitled An Act to amend the caption, Section 2 and Section 6 of an Act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

Be it Enacted by the Legislature of Alabama:

Section 1. That the caption of an Act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939, be and the same is hereby amended to read as follows:

"An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of fur-

nishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to provide for certain exemptions from the application of this act; and to provide for the repeal of all laws in conflict herewith."

Section 2. That Section 2 of an Act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939, be and the same is hereby amended to read as follows:

"Section 2. If within thirty days after receipt of such notice the owner shall propose voluntarily to sell and transfer such property to the agency upon terms and conditions to be mutually agreed upon between the owner and the agency and approved by the Alabama Public Service Commission, and serve a copy of such proposal upon the agency and upon the Commission, the Commission shall fix a time and place to hear and consider such proposal and notify all parties interested therein. If the terms and conditions of purchase and sale shall be agreed upon by and between the owner and the agency and approved by the Commission, the Commission shall announce its approval thereof by appropriate order and the agency shall by resolution or ordinance, as the case may be, authorize and direct the execution on the part of the agency of such contract in writing and other instrument and take any and every other action with reference thereto necessary or appropriate to con-

summate such purchase and sale and the transfer to the agency of possession of such acquired property and payment therefor in accordance with the terms of such agreement. However, if the owner fails or refuses to advise such agency within thirty days after receipt of such notice of its purpose to sell such property then the agency may proceed as provided by law to construct, condemn, or otherwise acquire a plant or system within the designated territory; and the advice to be given by the owner to such agency shall be sufficient if it advises that the owner is willing to sell the property provided the valuation as finally determined by the Commission or Court is satisfactory to the owner. Upon the owner advising of its willingness to sell such property, acquisition of the property sought to be acquired shall proceed with the rights and privileges to the respective parties as hereinafter set forth.

Section 3. That Section 6 of an Act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939, be and the same is hereby amended to read as follows:

"Section 6. Nothing in this act shall be deemed to require the purchase of or payment of compensation for any existing plant or distribution system within the corporate limits of any agency in which the construction of an electric distribution system has been authorized by an election held prior to the approval of this act, nor shall this act apply with respect to any project for which loans or grants have been made or are under contract to be made by the United States through the Federal Emergency Administrator of Public Works, the Federal Works Administrator, the Commissioner of Public Works, the Federal Works Agency or the Public Works Administration, nor shall this act apply to Rural Electric Membership Corporation Distribution Systems."

Section 4. That this act shall become effective immediately upon its passage and approval by the Governor.

And the substitute offered by Mr. McGowin, for the bill, S. 495, and the Amendment reported by the Standing Committee on Municipal Organization to the bill, S. 495, was adopted.

Yeas, 83; Nay, 1.

<i>Yeas:</i>			
Mr. Speaker	Dobbs	Matthews (Jackson)	Scott
Allen	Dominick	Miller	Segrest
Austin	Ellis	McCord	Sessions
Bagley	Garrett	McGowin	Snyder
Barchard	Gewin	Nation	Spence
Barnes	Graham	Neighbors	Stone
Beck	Green	Newman	Taylor
Booth	Gwin	Norman (Bullock)	Thomas
Branyon	Hall	Norman (Lowndes)	Tidmore
Brown (Covington)	Hardwick	Owens	Toomer
Brown (Lee)	Hare	Payne	Tucker
Carwile	Haynes	Peacock	Walden
Castleberry	Henson	Petrey	Waldrop
Clayton	Hill	Phillips	Wallace
Cobb	Hodo	Pitts	Waller
Cook	Jones	Pool	Welch
Cope	Kaul	Robertson (Cullman)	Whigham
Davis (Madison)	Langan	Robinson (Lowndes)	White
Dearman	Langley	Robinson (St. Clair)	Wood
Delony	Lovell	Sadler	Young
Devers	Martin	Sanderson	

—83

Nay: Mr. Mayhall

— 1

And said bill:

S. 495. To amend Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric dis-

tribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

As amended by the substitute offered by Mr. McGowin, was read a third time at length and passed.

Yeas, 83; Nay, 1.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Scott
Allen	Dominick	Miller	Segrest
Austin	Ellis	McCord	Sessions
Bagley	Garrett	McGowin	Snyder
Barchard	Gewin	Nation	Spence
Barnes	Graham	Neighbors	Stone
Beck	Green	Newman	Taylor
Booth	Gwin	Norman (Bullock)	Thomas
Branyon	Hall	Norman (Lowndes)	Tidmore
Brown (Covington)	Hardwick	Owens	Toomer
Brown (Lee)	Hare	Payne	Tucker
Carwile	Haynes	Peacock	Walden
Castleberry	Henson	Petrey	Waldrop
Clayton	Hill	Phillips	Wallace
Cobb	Hodo	Pitts	Waller
Cook	Jones	Pool	Welch
Cope	Kaul	Robertson (Cullman)	Whigham
Davis (Madison)	Langan	Robinson (Lowndes)	White
Dearman	Langley	Robinson (St. Clair)	Wood
Delony	Lovelace	Sadler	Young
Devers	Martin	Sanderson	

—83

Nay: Mr. Mayhall

— 1

RESOLUTION

Mr. Ellis offered the following resolution:

By Mr. Ellis:

H. R. 121. WHEREAS, a question or controversy has arisen as to the effect of S. B. No. 300, known as the Booth Bill, and WHEREAS, certain amendments have been proposed to said S. B. No. 300 in and by S. B. No. 495 by Mr. Booth and

WHEREAS, the meaning and effect of said S. B. No. 300 and S. B. No. 495 may become a question for the consideration of and determination by the courts, and

WHEREAS, an amendment to said S. B. No. 495 has been proposed by Honorable John M. Carmody, Administrator of the Federal Works Agency, in a telegram from him to Governor Frank M. Dixon, which telegram is in words and figures as follows, to-wit:

"WASHINGTON DC SEP 6 1939 1 15 PM
"HON FRANK M. DIXON

GOVERNOR OF ALABAMA,
MONTGOMERY, ALABAMA

"I HAVE YOUR TELEGRAM OF YESTERDAY AFTER-NOON QUOTING PROPOSED AMENDMENT OF SECTION 6 OF THE BOOTH BILL. SUCH AMENDMENT WOULD LEAVE THE ACT APPLICABLE TO ANY CONSTRUCTION BEYOND THE CORPORATE LIMITS OF ANY AGENCY UNLESS TWO CONDITIONS NOW EXIST: FIRST, CONTRACTS FOR ALL CONSTRUCTION OR ACQUISITION BEYOND THE CITY LIMITS MUST ALREADY HAVE BEEN EXECUTED AND SECOND, A LOAN OR GRANT MUST HAVE BEEN MADE OR BE UNDER COMMITMENT. SUCH AMENDMENT WOULD NOT ACCOMPLISH TRUE PURPOSE. IN ORDER TO MEET, INSOFAR AS POSSIBLE, THE THOUGHT WHICH MAY BE BEHIND SUCH AMENDMENT, WE SUGGEST THAT SECTION 6 BE AMENDED TO READ AS FOLLOWS:

"SECTION 6. NOTHING IN THIS ACT SHALL BE DEEMED TO REQUIRE THE PURCHASE OF A PAYMENT OF COMPENSATION FOR ANY EXISTING PLANT OR DISTRIBUTION SYSTEM WITHIN THE CORPORATE LIMITS OF ANY AGENCY IN WHICH THE CONSTRUCTION OF AN ELECTRIC DISTRIBUTION SYSTEM HAS BEEN AUTHORIZED BY AN ELECTION HELD PRIOR TO THE APPROVAL OF THIS ACT, NOR SHALL THIS ACT APPLY WITH RESPECT TO ANY PROJECT FOR WHICH LOANS OR GRANTS HAVE BEEN MADE OR ARE UNDER CONTRACT TO BE MADE BY THE UNITED STATES THROUGH THE FEDERAL EMERGENCY ADMINISTRATOR OF PUBLIC WORKS, THE FEDERAL WORKS ADMINISTRATION, THE COMMISSIONER OF PUBLIC WORKS, THE FEDERAL WORKS AGENCY OR THE PUBLIC WORKS ADMINISTRATION'."

"YOU WILL OBSERVE THAT THIS AMENDMENT DIFFERS IN TWO PARTICULARS FROM THE ONE YOU QUOTE. FIRST, IT IS REQUIRED THAT THE LOANS OR GRANTS FOR THE PROJECTS BE UNDER CONTRACT INSTEAD OF COMMITMENT. WE BELIEVE BOTH MEANINGS ARE THE SAME BUT THE CHANGE IS MADE TO MAKE IT UNMISTAKABLE THAT NOTHING IS HIDDEN. SECOND, IT ELIMINATES THE REQUIREMENT THAT ALL WORK IN A PROJECT EXTENDING BEYOND A CITY LIMITS BE NOW UNDER CONSTRUCTION CONTRACT.

I CANNOT SAY THAT ALL CONTRACTS HAVE BEEN EXECUTED FOR ALL WORK IN CONNECTION WITH EXISTING PROJECTS FOR INSTANCE. YOU WILL UNDERSTAND THAT SERVICE CONNECTIONS ARE NOT INSTALLED UNLESS AND UNTIL A CONTRACT FOR SERVICE IS ENTERED INTO BETWEEN THE AGENCY AND THE CUSTOMER. AND THAT CUSTOMERS ARE OBTAINED PROGRESSIVELY. THE AMENDMENT ABOVE QUOTED COULD NOT, IN MY OPINION, BE CONSTRUED TO EXCEPT FROM THE ACT FUTURE EXTENSIONS OUTSIDE OF CITY LIMITS BEYOND AND AFTER COMPLETION OF THE PROJECT FOR WHICH A LOAN OR GRANT HAS BEEN MADE OR IS UNDER CONTRACT.

JOHN. M. CARMODY,
Administrator."

and,

WHEREAS, on September 6, 1939, Governor Frank M. Dixon wrote a letter to L. H. Ellis, Chairman, Committee on Municipal Organization, which letter is in words and figures as follows, to-wit:

"September 6, 1939

"Hon L. H. Ellis, Chairman
Committee on Municipal Organization
State Capitol

My dear Handy:

"I hand you herewith a certain amendment to Senate Bill 495 suggested by Mr. Carmody, the Federal Works Administrator, together with copy of a telegram this day received from Mr. Carmody.

"Inasmuch as Mr. Carmody has stated that this amendment is satisfactory to him, and it seems to dispose of all matters in controversy in this connection, I urge that your committee submit and recommend for adoption the amendment to Senate Bill 495 as enclosed.

Yours very truly,
(Signed) Frank M. Dixon
FRANK M. DIXON,
Governor

FMD-m

"P. S. For the purpose of aiding in any question of construction by the courts of the enclosed amendment, I suggest that a copy of Mr. Carmody's telegram be spread on the journal of the House."

and,

WHEREAS, it is thought that the interpretation of said proposed amendments to S. B. No. 495 as same are understood by the

Honorable John M. Carmody, together with the above mentioned letter from Governor Frank M. Dixon to L. H. Ellis, may prove of value in the proper interpretation of same;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama that this resolution embodying said telegram from said Mr. Carmody and said letter from Governor Dixon be spread upon the journal of this House.

On motion of Mr. Ellis, the rules were suspended and the H.R. 121 was adopted by the House, and on motion of Mr. Ellis, the H.R. 121 was ordered spread upon the Journal of the House.

BILLS ON THIRD READING

S. 470. A bill to be entitled an act to propose an amendment to the Constitution of Alabama, authorizing the issuance of not exceeding \$900,000 of bonds for the purpose of paying or retiring certain bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided

for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such elections.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 75; Nays, 3.

Yeas:

Mr. Speaker	Delony	Mayhall	Sanderson
Austin	Devers	Megginsin	Segrest
Bagley	Dominick	Miller	Sightler
Ball	Ellis	McGowin	Smyer
Barchard	Gewin	Nation	Snyder
Barnes	Golson	Neighbors	Stone
Beck	Graham	Newman	Taylor
Booth	Green	Norman (Bullock)	Thomas
Boswell	Gwin	Norman (Lowndes)	Tidmore
Branyon	Hall	Owens	Toomer
Brown (Covington)	Hare	Payne	Tucker
Brown (Lee)	Henson	Petrey	Walden
Carwile	Hill	Phillips	Waldrop
Chewning	Jones	Pitts	Wallace
Cobb	Kaul	Pool	Waller
Collier	Langan	Robertson (Cullman)	Whigham
Cook	Langley	Robinson (Lowndes)	Wood
Cope	Lovelace	Robinson (St. Clair)	Young
Davis (Madison)	Matthews (Jackson)	Sadler	

—75

Nays: Messrs.: Hardwick, McCord, Peacock

— 3

S. 474. A bill to be entitled an act to propose an amendment to the Constitution of Alabama (1) authorizing the issuance of not exceeding \$5,000,000 of bonds for the purpose of refunding certain bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, outstanding on July 1, 1939, (2) authorizing the Governor to negotiate certain temporary loans in addition to those authorized by Section 213 of the Constitution, as amended, in anticipation of the collection of taxes by the State, for

the purpose of providing funds for the prompt payment of the expenses of the State government, and (3) prohibiting the incurring of obligations by agencies of the State, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature:

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total

amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amend-

ment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligation of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law.

In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which

negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind.

The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues, or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire.

Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 74; Nays, 0.

Yeas:

Mr. Speaker	Devers	Meggins	Sanderson
Austin	Doster	Miller	Scott
Bagley	Garrett	McGowin	Sightler
Barchard	Gewin	Nation	Spence
Barnes	Graham	Neighbors	Stone
Beck	Hall	Newman	Taylor
Booth	Hare	Norman (Bullock)	Thomas
Boswell	Haynes	Norman (Lowndes)	Tidmore
Brown (Covington)	Henson	Payne	Tucker
Brown (Lee)	Hill	Peacock	Walden
Carwile	Hodo	Petrey	Waldrop
Chewning	Jones	Phillips	Wallace
Clayton	Kaul	Pitts	Welch
Cobb	Langan	Pool	Weston
Cook	Langley	Robertson (Cullman)	Whigham
Cope	Lovelace	Robinson (Lowndes)	White
Davis (Madison)	Martin	Robinson (St. Clair)	Wood
Dearman	Mathews (Clarke)	Sadler	Young
Delony	Mayhall		

—74

S. 362. To provide a retirement fund for aged and incapacitated teachers in the state supported schools; to establish a teachers' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; and to provide a method of financing said system.

Was read a third time at length and passed.

Yeas, 84; Nay, 1.

Yeas:

Mr. Speaker	Cook	Hill	Norman (Lowndes)
Allen	Cope	Hodo	Owens
Austin	Davis (Madison)	Kaul	Payne
Bagley	Dearman	Langan	Petrey
Ball	Delony	Langley	Phillips
Barchard	Devers	Lovelace	Pitts
Barnes	Dobbs	Martin	Pool
Beck	Dominick	Mathews (Clarke)	Quarles
Booth	Doster	Matthews (Jackson)	Robertson (Cullman)
Boswell	Ellis	Mayhall	Robinson (Lowndes)
Branyon	Garrett	Meggins	Robinson (St. Clair)
Brown (Covington)	Gewin	Miller	Sadler
Brown (Lee)	Green	McCord	Sanderson
Carwile	Hardwick	McGowin	Scott
Castleberry	Hare	Nation	Segrest
Chewning	Haynes	Neighbors	Sessions
Cobb	Henson	Norman (Bullock)	Sherrer

Sightler	Tidmore	Wallace	Whigham
Spence	Tucker	Waller	White
Stallings	Walden	Welch	Wood
Thomas	Waldrop	Weston	Young

—84

Nay: Mr. Peacock

— 1

MEMBER EXCUSED FROM VOTING

Mr. Newman asked that he be excused from voting on Senate bill No. 362 on account of the provisions of Section 82 of the Constitution of Alabama of 1901. The request of Mr. Newman was granted by the House, and he was excused from voting on said bill by the House.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Brown of Covington:

H.J.R. 122. Be it resolved by the House, the Senate concurring, that S.B. 362 be designated as the Young-Norman (of Bullock), bill.

On motion of Mr. Brown of Covington, the rules were suspended, and the H.J.R. 122 was adopted.

By Mr. Welch:

H.R. 123. Resolved by the House that House Bills 917, and 1035, in the order mentioned, be and they are hereby made, the special, paramount, and continuing special order of business of the House to the exclusion of all other bills on the 48th Legislative Day.

And the H.R. 123 was referred to the Standing Committee on Rules.

Substitute for Senate Bill No. 446, by Mr. Welch:

BILLS ON THIRD READING

S. 464. To abolish the office of deputy solicitor of Chilton County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cook	Jenkins	Segrest
Allen	Cope	Jones	Smyer
Austin	Davis (Madison)	Kaul	Snyder
Bagley	Dearman	Miller	Spence
Ball	Delony	McCord	Stallings
Barchard	Devers	McDanal	Stone
Barnes	Dobbs	McGowin	Taylor
Beck	Dominick	Nation	Thomas
Booth	Graham	Petrey	Tidmore
Boswell	Graves	Phillips	Toomer
Branyon	Green	Pitts	Tucker
Castleberry	Gwin	Pool	Walden
Chewning	Haynes	Quarles	Waldrop
Christopher	Henson	Sadler	Wallace
Clayton	Hill	Sanderson	Waller
Cobb	Hodo	Scott	Welch
Collier			

—65

S. 463. To create the office of county solicitor of Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cook	Jenkins	Segrest
Allen	Cope	Jones	Smyer
Austin	Davis (Madison)	Kaul	Snyder
Bagley	Dearman	Miller	Spence
Ball	Delony	McCord	Stallings
Barchard	Devers	McDanal	Stone
Barnes	Dobbs	McGowin	Taylor
Beck	Dominick	Nation	Thomas
Booth	Graham	Petrey	Tidmore
Boswell	Graves	Phillips	Toomer
Branyon	Green	Pitts	Tucker
Castleberry	Gwin	Pool	Walden
Chewning	Haynes	Quarles	Waldrop
Christopher	Henson	Sadler	Wallace
Clayton	Hill	Sanderson	Waller
Cobb	Hodo	Scott	Welch
Collier			

—65

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265.

Was then taken up. Mr. Welch offered the following substitute for the bill, S. 446.

Substitute for Senate Bill No. 446, by Mr. Welch:

A BILL

To be entitled An Act to amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265.

Be it Enacted by the Legislature of Alabama:

SECTION 1. That Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265, be and the same is hereby amended to read as follows:

"Section 6665. State divided into judicial circuits.—The State of Alabama is hereby divided into judicial circuits for the circuit courts, which circuits are numbered and composed of the counties as follows: FIRST CIRCUIT—Choctaw, Clarke and Washington. SECOND CIRCUIT—Butler, Crenshaw and Lowndes. THIRD CIRCUIT—Barbour, Bullock, Dale and Russell. FOURTH CIRCUIT—Bibb, Dallas, Hale, Perry and Wilcox. FIFTH CIRCUIT—Chambers, Lee, Macon, Randolph and Tallapoosa. SIXTH CIRCUIT—Tuscaloosa. SEVENTH CIRCUIT—Calhoun, Cleburne and Talladega. EIGHTH CIRCUIT—Cullman, Lawrence, Limestone and Morgan. NINTH CIRCUIT—Cherokee, DeKalb, Jackson and Marshall. TENTH CIRCUIT—Jefferson. ELEVENTH CIRCUIT—Colbert, Franklin and Lauderdale. TWELFTH CIRCUIT—Coffee and Pike. THIRTEENTH CIRCUIT—Mobile. FOURTEENTH CIRCUIT—Marion, Walker and Winston. FIFTEENTH CIRCUIT—Montgomery. SIXTEENTH CIRCUIT—Blount, Etowah and St. Clair. SEVENTEENTH CIRCUIT—Marengo, Greene and Sumter. NINETEENTH CIRCUIT—Clay, Coosa and Shelby. NINETEENTH CIRCUIT—Autauga, Chilton and Elmore. TWENTIETH CIRCUIT—Henry and Houston. TWENTY-FIRST CIRCUIT—Baldwin, Conecuh, Escambia and Monroe. TWENTY-SECOND CIRCUIT—Covington and Geneva. TWENTY-THIRD CIRCUIT—Madison. TWENTY-FOURTH CIRCUIT—Fayette, Lamar and Pickens.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Mathews of Clarke moved to indefinitely postpone the bill, S. 446, and the substitute for said bill offered by Mr. Welch. And the motion of Mr. Mathews of Clarke was lost.

Yeas, 32; Nays, 53.

<i>Yeas:</i>			
Messrs.:	Green	McCord	Phillips
Austin	Hall	McDanal	Robinson (Lowndes)
Ball	Hare	Nation	Sherrer
Barnes	Henson	Norman (Bullock)	Spence
Cobb	Locke	Norman (Lowndes)	Stallings
Collier	Martin	Owens	Tidmore
Dobbs	Mathews (Clarke)	Peacock	Walden
Doster	Matthews (Jackson)	Petrey	Young
Ellis			

—32

<i>Nays:</i>			
Mr. Speaker	Cope	Kaul	Segrest
Allen	Davis (Madison)	Langan	Sessions
Bagley	Dearman	Langley	Sightler
Barchard	Delony	Miller	Stone
Beck	Devers	Neighbors	Taylor
Booth	Dominick	Newman	Thomas
Boswell	Garrett	Payne	Toomer
Branyon	Gewin	Pitts	Tucker
Brown (Covington)	Graham	Pool	Wallace
Brown (Lee)	Gwin	Quarles	Waller
Castleberry	Hardwick	Robinson (St. Clair)	Welch
Chewning	Haynes	Sadler	White
Clayton	Jones	Sanderson	Wood
Cook			

—53

PAIR ANNOUNCED

The following pair was announced:

Yea—Mayhall; Nay—Davis of Montgomery.

Mr. Ball offered the following amendment to the substitute offered by Mr. Welch for the bill, S. 446:

Amend Substitute for S. B. 446 by striking from the Twenty Fourth Circuit the word "Pickens", where the same appears therein and by adding the word "Pickens" after the word "Sumter" in the Seventeenth Judicial Circuit.

And the amendment offered by Mr. Ball to the substitute offered by Mr. Welch, for the bill, S. 446, was lost.

And the Substitute offered by Mr. Welch for the bill, S. 446 was adopted.

Yeas, 54; Nays, 24.

<i>Yeas:</i>			
Mr. Speaker	Brown (Covington)	Cobb	Devers
Allen	Brown (Lee)	Cook	Dominick
Bagley	Carwile	Cope	Garrett
Beck	Castleberry	Davis (Madison)	Gewin
Boswell	Chewning	Dearman	Graves
Branyon	Clayton	Delony	Gwin

Hardwick	Miller	Sadler	Tucker
Haynes	Neighbors	Sanderson	Waldrop
Hill	Newman	Segrest	Wallace
Jones	Payne	Spence	Waller
Kaul	Pitts	Stone	Welch
Langan	Pool	Thomas	Weston
Langley	Quarles	Toomer	Wood
Lovelace	Robinson (St. Clair)		
—54			
<i>Nays:</i>			
Messrs.:	Hare	Megginson	Owens
Austin	Henson	McCord	Phillips
Ball	Locke	McDanal	Robinson (Lowndes)
Barnes	Martin	Nation	Stallings
Collier	Mathews (Clarke)	Norman (Bullock)	Walden
Doster	Matthews (Jackson)	Norman (Lowndes)	Young
Green			
—24			

PAIR ANNOUNCED

The following pair was announced:

Yea—Davis of Montgomery; Nay—Mayhall.

And said bill:

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts of 1931, page 265.

As amended by the substitute offered by Mr. Welch was read a third time at length and passed.

Yeas, 51; Nays, 33.

<i>Yeas:</i>			
Mr. Speaker	Davis (Madison)	Langley	Spence
Allen	Dearman	Miller	Stone
Beck	Devers	Neighbors	Thomas
Booth	Dominick	Newman	Toomer
Boswell	Flowers	Payne	Tucker
Branyon	Garrett	Pitts	Waldrop
Brown (Covington)	Gewin	Pool	Wallace
Brown (Lee)	Graves	Robinson (St. Clair)	Waller
Castleberry	Gwin	Sadler	Welch
Chewning	Hardwick	Sanderson	Weston
Clayton	Haynes	Segrest	White
Cook	Hill	Sessions	Wood
Cope	Jones	Sightler	
—51			
<i>Nays:</i>			
Messrs.:	Ellis	McCord	Petrey
Austin	Green	McDanal	Phillips
Ball	Hall	McGowin	Robinson (Lowndes)
Barnes	Hare	Nation	Sherrer
Cobb	Locke	Norman (Bullock)	Stallings
Collier	Martin	Norman (Lowndes)	Tidmore
Delony	Mathews (Clarke)	Owens	Walden
Dobbs	Matthews (Jackson)	Peacock	Young
Doster	Megginson		
—33			

PAIR ANNOUNCED

The following pair was announced:

Yea—Davis of Montgomery; Nay—Mayhall.

S. 289. To amend section 10314 of the Code of 1923, relating to the salary of the Marshal and Librarian of the Supreme Court.

Was read a third time at length and passed.

Yeas, 42; Nays, 33.

Yeas:

Mr. Speaker	Cope	McDanal	Scott
Allen	Dearman	Nation	Sightler
Bagley	Devers	Neighbors	Spence
Beck	Dominick	Payne	Stone
Booth	Flowers	Pitts	Taylor
Boswell	Garrett	Pool	Tucker
Branyon	Jones	Robertson (Cullman)	Waldrop
Castleberry	Lovelace	Robinson (St. Clair)	Wallace
Chewning	Martin	Sadler	Waller
Clayton	Miller	Sanderson	Welch
Cobb	McCord		

—42

Nays:

Messrs.:	Gewin	Megginson	Quarles
Austin	Hall	Newman	Robinson (Lowndes)
Barnes	Hardwick	Norman (Bullock)	Sessions
Brown (Lee)	Kaul	Norman (Lowndes)	Snyder
Carwile	Langley	Owens	Thomas
Collier	Locke	Peacock	Toomer
Delony	Mathews (Clarke)	Petrey	Walden
Dobbs	Matthews (Jackson)	Phillips	Young
Doster	Mayhall		

—33

S. 178. To fix the salary of the Clerk of the Court of Appeals of Alabama.

Was read a third time at length and passed.

Yeas, 40; Nays, 32.

Yeas:

Mr. Speaker	Clayton	McCord	Scott
Allen	Cook	Nation	Sightler
Bagley	Cope	Miller	Spence
Barnes	Dearman	Neighbors	Stone
Beck	Devers	Payne	Taylor
Booth	Dominick	Pitts	Tucker
Boswell	Flowers	Pool	Waldrop
Branyon	Hill	Robertson (Cullman)	Wallace
Castleberry	Jones	Sadler	Waller
Chewning	Martin	Sanderson	Welch

—40

Nays:

Messrs.:	Graham	Matthews (Jackson)	Robinson (Lowndes)
Austin	Hall	Mayhall	Sessions
Brown (Lee)	Hardwick	Newman	Thomas
Carwile	Henson	Norman (Bullock)	Tidmore
Collier	Kaul	Norman (Lowndes)	Toomer
Delony	Langley	Owens	Walden
Dobbs	Locke	Peacock	White
Doster	Mathews (Clarke)	Quarles	Young
Gewin			

—32

S. 290. To further regulate the office of Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

Was read a third time at length and passed.

Yeas, 45; Nays, 29.

Yeas:

Mr. Speaker	Delony	Miller	Segrest
Allen	Dominick	McCord	Sightler
Barnes	Doster	Nation	Spence
Beck	Ellis	Payne	Stone
Boswell	Flowers	Pitts	Taylor
Branyon	Haynes	Pool	Thomas
Castleberry	Hill	Robertson (Cullman)	Tucker
Chewning	Hodo	Robinson (St. Clair)	Waldrop
Clayton	Jones	Sadler	Wallace
Cook	Langley	Sanderson	Waller
Cope	Mayhall	Scott	Welch
Dearman			

—45

Nays:

Messrs.:	Hardwick	Norman (Lowndes)	Sessions
Brown (Lee)	Hare	Owens	Stallings
Carwile	Kaul	Peacock	Tidmore
Collier	Locke	Petrey	Toomer
Devers	Mathews (Clarke)	Phillips	Walden
Dobbs	Matthews (Jackson)	Quarles	Weston
Graham	Newman	Robinson (Lowndes)	Young
Hall	Norman (Bullock)		

—29

S. 291. To amend Sections 10332, 10334 and 10335 of the Code of 1923, relating to the reporter of decisions of the Supreme Court, fixing his salary and regulating the duties thereof.

Was read a third time at length and passed.

Yeas, 39; Nays, 37.

Yeas:

Mr. Speaker	Castleberry	Dearman	Hill
Allen	Clayton	Delony	Hodo
Beck	Cobb	Dominick	Jones
Booth	Cook	Ellis	Martin
Boswell	Cope	Flowers	Miller

McCord	Robinson (St. Clair)	Sightler	Waldrop
Payne	Sadler	Spence	Wallace
Pitts	Sanderson	Stone	Waller
Pool	Scott	Taylor	Welch
Robertson (Cullman)	Segrest	Tucker	

—39

Nays:

Messrs.:	Graham	Newman	Snyder
Barnes	Hall	Norman (Bullock)	Thomas
Brown (Lee)	Hardwick	Norman (Lowndes)	Tidmore
Carwile	Haynes	Owens	Toomer
Collier	Kaul	Peacock	Walden
Davis (Madison)	Langley	Phillips	Weston
Devers	Lovelace	Quarles	Whigham
Dobbs	Mathews (Clarke)	Robinson (Lowndes)	Wood
Doster	Matthews (Jackson)	Sessions	Young
Gewin	Neighbors		

—37

S. 304. To further regulate and define the powers, functions and duties of the Director of the Department of Archives and History.

Was read a third time at length and passed.

Yeas, 40; Nays, 37.

Yeas:

Mr. Speaker	Cope	Jones	Scott
Beck	Dearman	Martin	Sightler
Booth	Delony	Miller	Spence
Boswell	Dominick	McDanal	Taylor
Brown (Lee)	Ellis	Nation	Toomer
Castleberry	Flowers	Payne	Tucker
Chewning	Garrett	Pitts	Waldrop
Clayton	Haynes	Pool	Wallace
Cobb	Henson	Sadler	Waller
Cook	Hill	Sanderson	Welch

—40

Nays:

Messrs.:	Hardwick	McCord	Sessions
Allen	Hodo	Neighbors	Snyder
Austin	Kaul	Newman	Stone
Bagley	Langley	Norman (Bullock)	Thomas
Barnes	Locke	Norman (Lowndes)	Tidmore
Collier	Lovelace	Peacock	Walden
Davis (Madison)	Mathews (Clarke)	Phillips	Weston
Devers	Matthews (Jackson)	Quarles	Wood
Dobbs	Mayhall	Robinson (Lowndes)	Young
Green	Megginsin		

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the bill:

S. 495. To amend the caption, Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

And said bill, S. 495, was again read a third time at length and passed as amended.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following joint resolution:

H.J.R. 122. Relative to S. B. 362 being designated the Young-Norman (of Bullock) Bill.

And returns same herewith to the House.

J. E. Spcight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the bill:

S. 387. To create and establish a board to be known as the County Commission for Calhoun County, Alabama in the place of the board of Revenue in and for Calhoun County, Alabama, now

existing in said county, and abolishing said board of revenue of Calhoun County; and dividing the said county of Calhoun into two districts, and providing for the election of a member of said county commission from each district by vote of the qualified electors of the entire county; and for the election of a chairman of said county commission; defining the jurisdiction of said county commission, and their compensation, and conferring upon said county commission all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of Alabama; providing for the election of the successors of said commission; for the appointment of a secretary of said commission and fixing his salary, and providing for a date when said commission shall take office.

And said bill, S. 387, was again read a third time at length and passed as amended.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House.

H. 770. To provide for the creation, operation, supervision, termination and regulations of all associations accepting monies from the public for the promotion of thrift and financing of homes, whether or not incorporated; the regulation and supervision of a like business by an individual or partnership; the operation, supervision, termination and regulation of every corporation heretofore incorporated under the laws of this State, and the consolidation of two or more of them, accepting monies from the public and having for its purpose the promotion of thrift and the financing of homes by whatever name known, except Saving Banks, trust companies and trust departments of commercial banks; and the creation of a Savings and Loan Bureau of the Department of Commerce for the State of Alabama; to repeal all laws in conflict herewith, and to repeal all laws and parts of laws pertaining to Building and Loan Associations in Alabama, effective eighteen months from the approval of this Act by the Governor, excepting certain sections herein expressly reenacted.

Also:

H. 874. To authorize municipalities in the State of Alabama to create and establish Municipal Electric Utility Boards; to pro-

vide for its membership; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of such municipality by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Municipal Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant where the amount to be expended is more than \$1,000, the expenditure must be approved by the governing body of such municipality; to provide for an annual audit; and to provide for reports of the Board to the governing body of such municipality.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo, the House concurred in and adopted the Senate amendment to the bill, H. 770, said Senate amendment being as follows:

Amend House Bill 770 by adding thereto Section 46½ to read as follows:

"Section 46½. Any Building and Loan Association may, with the consent of the holders of the two-thirds ($\frac{2}{3}$) of the net book value of its outstanding shares of stock, assign and convey to a new corporation (or to trustees for it) to be organized under the general incorporation laws of the State, or as hereinafter provided, and be thereupon merged in such new corporation, upon the following terms and conditions:

A. Each share-holder of such Building & Loan Association shall, upon the organization of the new corporation, be entitled to shares in the succeeding corporation of a value in the proportion which the actual book value of his stock in the Building & Loan Association, less any indebtedness thereon, bears to the total book value of all stock therein, less the total indebtedness thereon.

B. Each mortgagor shall be allowed to continue to pay according to the tenor of his original mortgage, whether in default or not, the succeeding corporation having the same right to foreclose, as the Building & Loan Association; and any new or renewal mortgage shall include all arrearages; and shall contain no Building and Loan Feature.

C. The association may pay in cash to any share-holder the value of any fraction of a share to which he may be entitled; and any Building and Loan share-holder converting his stock into stock of the succeeding corporation, who shall be entitled to a given number of the new shares, and, also, to the fraction of a share, may, by a cash payment, become entitled, by virtue of his fraction of a share, to an additional entire share.

In lieu of forming such corporation as provided by the general laws of this state, such new corporation may be formed after the holders of two-thirds ($\frac{2}{3}$) of the net book value of its outstanding shares of stock have consented thereto by the filing, by the directors of said Building and Loan Association in the office of the Judge of Probate of the County in which such association has its principal place of business or in which it was incorporated, of a statement setting forth: (1) the name of the new corporation, (2) the objects for which formed, (3) the location of its principal office, and (4) the amount of the total authorized capital stock, and upon the filing and recording of such statement the said association shall become a new body corporate, but shall not carry on any further business as a Building and Loan Association or as a Savings and Loan Association. The new body corporate shall by operation of law be vested with all the property and assets of such Building and Loan Association and shall be subject to all of its liabilities and such association shall not be subject to liquidation under this Act.

* * *

Amend the caption of H. B. 770 by striking therefrom the words "effective eighteen months from the approval of this Act by the Governor, excepting certain sections herein expressly reenacted."

Amend House Bill No. 770 as follows:

1. Insert the word "participating" in lieu of the word "account" where same first appears in paragraph u in Section 1, Article I.

2. Insert the words "twenty percent" in lieu of the words "one-half" in paragraph c, Section 2, Article I.

3. Insert the figure "1" in lieu of the figure "2" in paragraph d of Section 2, Article I.

4. Insert the following "And no two members of the Board shall be appointed from any one Congressional District," at the end of the first sentence of Section 32, Article V.

5. Strike out the last sentence of paragraph b of Section 6, Article I, which reads as follows: "No office of an association shall be moved from its immediate vicinity unless approved by the Commissioner."

6. Strike out the sentence "The Association shall not directly or indirectly charge any membership, admission, repurchase, withdrawal or any other fee or sum of money, for the privilege of becoming, remaining or ceasing to be a member of the association, except reasonable charges upon the making of a loan," which is the next to the last sentence in the second paragraph of Section 9, Article II.

7. Insert in lieu of the figures \$1,000, \$1500 the figures "\$500, \$1,000.00", in the third sentence of paragraph a, Section 10, Article II.

8. Strike out the first sentence and strike out the first clause of the second sentence reading as follows: "If and when an association is a member of a Federal Home Loan Bank", in paragraph m, Section 20, Article IV.

9. Insert in lieu of the word "such" preceding the word Federal the word "the" in paragraph m of Section 20, Article IV.

10. Strike out the last sentence of Section 32, Article V, and insert in lieu thereof the following: "After such action, should any association be dissatisfied with any findings, ruling, order or judgment of the Board, said association may within 30 days after the making and issuance thereof commence a suit in the Circuit Court of Montgomery County, Alabama, against the Board and Commissioner as defendants, to vacate and set aside said finding, ruling, or order on the ground that same is unjust and unreasonable. The rules of pleading and procedure in such suit shall be the same as are provided by law for the trial of suits in equity in the Circuit Courts of this State, and on hearing the Judge of said Circuit Court may set aside, modify, or confirm said finding, ruling, order or judgment as the evidence and the rules of equity may require. Appeals may be taken from the decision of the Circuit Court to the Supreme Court by either party in the same manner as is provided by law in other civil cases in equity; but the Board and Commissioner may appeal without bond. Pending any such appeal, the said findings, rulings, orders and judgments of the Board shall be prima facie evidence that they are just and reasonable and that the facts found are true, and shall remain in full force and effect. If no suit be

brought within said 30 days, said finding, ruling, order or judgment shall become final and binding.

11. Strike out the words "to the board" in the first sentence of paragraph d, section 37, Article V, and insert in lieu thereof the words "in the manner as herein provided in Section 32, Article V of this act.

12. Insert the words "or secretary" between the words "President" and "or" in the third line of the first sentence of sub-paragraph 2, paragraph b, of Section 45, Article VIII.

13. Insert "6 months" in lieu of 60 days in line 13 after word "member" in 2nd. paragraph of Section 9.

14. Strike out the words "as determined by the board of directors" wherever said words occur together in Section 16 and 17 of said bill.

Yeas, 55; Nay, 1.

Yeas:

Mr. Speaker	Cook	Langan	Robertson (Cullman)
Allen	Cope	Langley	Sadler
Austin	D'arman	Lovell	Scott
Barchard	Doster	Mayhall	Sessions
Barnes	Ellis	Meggison	Taylor
Beck	Flowers	Miller	Tidmore
Booth	Gewin	McCord	Toomer
Boswell	Graham	McDana	Walden
Brown (Covington)	Graves	McGowin	Waldrop
Brown (Lee)	Green	Nation	Wallace
Castleberry	Hall	Owens	Welch
Clayton	Hardwick	Payne	Weston
Cobb	Hodo	Pitts	Wood
Collier	Kaul	Quarles	

—55

Nay: Mr. Newman

— 1

On motion of Mr. Davis of Madison, the House concurred in and adopted the Senate amendment to the bill, H. 874, said Senate amendment being as follows:

Amend H. B. 874 as follows:

In Section 8 change the period at the end of the first sentence in said Section to a comma and add the following: "except that in those cities where public employees are governed by a city-wide Civil Service or Merit System Act all of such managers, cashiers, clerks, stenographers, linemen, repairmen, laborers and such other employees as are necessary for the operation of such system shall in all respects, both as to selection, employment, discharge tenure of office or employment and as to pay, promotion, demotion and all other respects covered by said Civil Service or Merit System Act, be governed and controlled by said Civil Service or Merit System Act, anything herein to the contrary notwithstanding".

Amend H. B. 874 by changing the period at the end of Section 17 to a comma and by adding after said comma the words, "or to affect any such Board created or existing by virtue of a local act."

Yeas, 63; Nays, 0.

Yeas:

Mr. Speaker	Gewin	McCord	Segrest
Allen	Golson	McGowin	Spence
Austin	Graham	Nation	Stallings
Bagley	Hall	Neighbors	Stone
Booth	Hardwick	Norman (Bullock)	Taylor
Boswell	Hare	Norman (Lowndes)	Thomas
Brown (Covington)	Henson	Owens	Tidmore
Castleberry	Hill	Petrey	Wallace
Chewning	Jones	Pitts	Waller
Cope	Kaul	Pool	Welch
Davis (Madison)	Langley	Quarles	Weston
Dearman	Locke	Robertson (Cullman)	Whigham
Delony	Lovelace	Robinson (Lowndes)	White
Devers	Mayhall	Robinson (St. Clair)	Wood
Doster	Megginson	Sanderson	Young
Garrett	Miller	Scott	

—63

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 495. To provide for the transfer of any surplus over and above \$1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 397. To further provide and prescribe the duties of the Court of County Commissioners of Wilcox County; to provide that the Probate Judge of Wilcox County be a member of said Court; to provide for the number of meetings of said Court, both regular

meetings and special meetings; to provide that three members of said Court shall constitute a quorum; to provide the duties of the Chairman of said Court, and to provide for the keeping of records by the Chairman, and to provide for clerical and stenographic assistants for the Chairman; to prescribe the duties of the associate members of said Court, and to provide that the work of said Court shall be done collectively and its powers shall not be delegated to the individual members of said Court; to provide for the term of office and the manner of election of the members of said Court and to provide that the term of office of the Probate Judge, as a member of said Court, shall be coextensive with his term of office as Probate Judge of Wilcox County; to confer upon said Court all the authority, jurisdiction and power granted to Courts of County Commissioners by the General Laws of Alabama and certain jurisdiction, power and authority in addition thereto; to fix the compensation of the members of said Court, and to provide for a per mile traveling expense; to provide for the filling of vacancies in the membership of said Court; to provide for a temporary Chairman of said Court in the absence of the regular Chairman; to provide for the purchase of supplies and materials to be used by Wilcox County, and to provide that if the Court so desires it may enter into an agreement with the Department of Finance of the State of Alabama and may purchase supplies and materials through the Department of Finance of the State of Alabama, and to provide that all purchases made in amounts exceeding \$100.00 (One hundred dollars) must be made on a competitive bid basis, and to provide that the County Engineer and the Judge of Probate may purchase materials and supplies for road and bridge construction and repair when such contracts do not exceed \$100.00 (One hundred dollars) without first obtaining competitive bids therefor; to provide for the manner of payment of all materials and supplies purchased by said Court, and to provide that supplies and materials not purchased in accordance with the terms of this Act shall not be an obligation against Wilcox County; and to provide for the sale of bonds and warrants and other property of Wilcox County, and to provide for the manner and means of such sale; to provide for the entering into contracts by Wilcox County, and to provide for the manner of making contracts by Wilcox County; to provide for a pre-auditing and payment of bills for Wilcox County; to provide for the manner of issuing and signing warrants drawn against funds belonging to Wilcox County; to provide for the making of a tentative budget for Wilcox County; to provide for the making and preparing of financial statements for the use of the members of said Court; to provide for the transfer of funds from the General or Special funds to the Road and Bridge Fund; to repeal all laws or parts of laws in conflict with this Act and to expressly repeal an Act of the Legis-

lature of Alabama, approved February 2, 1937, whereby a Board of Revenue was established for Wilcox County, and to provide the date upon which this Act shall become effective.

Was read a third time at length and passed.

Yeas, 65; Nay, 1.

Yeas:

Mr. Speaker	Gewin	Lovelace	Sanderson
Allen	Golson	Martin	Sessions
Bagley	Graham	Mayhall	Sherrer
Ball	Graves	Miller	Sightler
Barchard	Green	McCord	Spence
Barnes	Gwin	McDanal	Stone
Booth	Hall	Nation	Taylor
Boswell	Haynes	Neighbors	Thomas
Branyon	Henson	Newman	Tidmore
Cobb	Hill	Payne	Walden
Collier	Hodo	Peacock	Waldrop
Cook	Jenkins	Petrey	Wallace
Cope	Jones	Phillips	Welch
Dearman	Kaul	Pitts	Weston
Delony	Langan	Pool	Wood
Devers	Locke	Quarles	Young
Garrett			

—65

Nay: Mr. Sadler

— 1

S. 399. To create the office of County Engineer of Wilcox County; to provide for the qualifications of said Engineer; to provide that said office shall be a full time job; to provide that subject to the control and supervision of the Court of County Commissioners of Wilcox County said Engineer shall have full control and supervision of the roads, highways, and bridges of Wilcox County; to provide that said Engineer may purchase materials and tools, and make contracts for the building and/or repairing of roads and bridges and culverts, providing such materials purchased and contracts let do not exceed \$100.00 (One hundred dollars); to provide for the appointment, compensation and duties of said Engineer; to provide that said Engineer shall be the custodian of all tools, supplies, road materials and road machinery of Wilcox County, and to provide that on the failure of said Engineer to account to said Court of County Commissioners for such materials and supplies shall constitute a misdemeanor, and upon conviction, shall be fined not less than \$10.00 (Ten dollars) nor more than \$500.00 (Five hundred dollars) and to provide an effective date for said act.

Was read a third time at length and passed.

Yeas, 65; Nay, 1.

Yeas:

Mr. Speaker	Cope	Matthews (Jackson)	Sessions
Allen	Davis (Madison)	Miller	Sherrer
Austin	Dobbs	McCord	Sightler
Bagley	Dominick	McDanal	Tidmore
Ball	Doster	McGowin	Toomer
Beck	Golson	Petrey	Tucker
Booth	Graves	Phillips	Walden
Boswell	Hardwick	Pitts	Waldrop
Branyon	Hare	Pool	Wallace
Brown (Covington)	Haynes	Quarles	Waller
Brown (Lee)	Henson	Robertson (Cullman)	Welch
Carwile	Langan	Robinson (Lowndes)	Weston
Castleberry	Langley	Robinson (St. Clair)	Whigham
Chewning	Locke	Sanderson	White
Christopher	Lovelace	Scott	Wood
Clayton	Martin	Segrest	Young
Cook			

—65

Nay: Mr. Sadler

— 1

S. 400. To further define the duties of the Deputy Solicitor of Wilcox County; to provide that said Solicitor shall furnish legal advice and written opinions to the members of the Court of County Commissioners, or other county officials, provided such legal advice or opinions are required by said Court of County Commissioners or other county officials in the discharge of their official duties; to provide that said Deputy Solicitor shall represent Wilcox County in all condemnation proceedings instituted by said County for the purpose of acquiring rights of way for highways and bridges; to provide that said Solicitor shall represent Wilcox County in acquiring rights of way, and shall draw and prepare all deeds in connection therewith and to provide that said Solicitor shall represent Wilcox County in all civil and criminal matters whenever requested to do so by the Court of County Commissioners, and to provide that said Solicitor shall perform all other duties required of him under the General Laws of the State of Alabama; to further provide for the compensation of the Deputy Solicitor of said county.

Was read a third time at length and passed.

Yeas, 65; Nay, 1.

Yeas:

Mr. Speaker	Chewning	Graham	Langan
Barnes	Christopher	Graves	Langley
Beck	Clayton	Green	Mathews (Clarke)
Booth	Cobb	Gwin	Mathews (Jackson)
Boswell	Collier	Hall	Mayhall
Branyon	Dearman	Hill	Meggins
Brown (Covington)	Delony	Hodo	Miller
Brown (Lee)	Devers	Jenkins	McCord
Carwile	Gewin	Jones	McDanal
Castleberry	Golson	Kaul	McGowin

Nation	Peacock	Spence	Toomer	
Neighbors	Sanderson	Stallings	Tucker	
Newman	Scott	Stone	Walden	
Norman (Bullock)	Sessions	Taylor	Waldrop	
Norman (Lowndes)	Sherrer	Thomas	Wallace	
Owens	Sightler	Tidmore	Waller	
Payne				—65
Nay: Mr. Sadler				— 1

RECESS

On motion of Mr. McGowin the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty o'clock P.M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following joint resolution:

H. J. R. 119. Relative to adjournment of the two Houses until Friday, September 15, at nine o'clock, a.m.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILL ON THIRD READING

(With substitute):

S. 351. To amend Section four and Section five and Section Seven and Section eight of an Act of the Legislature.

House Bill 112 of the General Acts of Alabama

Extra Session 1932, Approved October 6, 1932

Entitled

"An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners

and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act', and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency."

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Public Roads and Highways, said committee substitute being as follows:

Substitute for S. 351:

A BILL

To be entitled An Act to amend Sections 4, 5, 7, 8, 11 and 12 of an act entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act; and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 4 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by Motor

Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including loadlimits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 4. Weight (a) The wheels of all "Motor Trucks", "Semi-trailer trucks", "semi-trailers" and "Trailers" shall be equipped with pneumatic tires of sufficient traction surface in accordance with the capacity of such vehicles, same to be prescribed by the State Highway Department; and no person shall operate any such vehicle not so equipped.

(b) No such vehicle shall carry a wheel load in excess of 8,000 pounds, or any axle load in excess of 16,000 pounds, nor shall it exceed 600 pounds per inch width of tire, measured by outside cross-section width of tire.

(c) The term "axle load" as herein used means the total load of all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.

(d) No person shall operate on any State Highway any vehicle or combination of vehicles with a gross load in excess of 30,000 pounds. Provided, however, the gross load limit of motor vehicles or combination of motor vehicles upon the county roads shall not exceed 20,000 pounds except in such cases where the Court of County Commissioners, Board of Revenue, or like governing body of the County shall by resolution spread upon the minutes authorize a greater gross load limit upon the County roads of such County. Members of Courts of County Commissioners, Boards of Revenue or like governing bodies are hereby vested with full authority to enforce the provisions of this Act relating to county roads in their respective counties.

(e) Under special and extraordinary circumstances the Highway Director, may in isolated cases only, grant to any one the right to haul a heavier load than is herein specified over a route to be

designated by the Highway Director, provided said load is not harmful to the roads or bridges along said route, and, provided, further, that no county roads are included in said route.

Section 2. That Section 5 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 5. Height. No person shall operate on any highway any motor vehicle, motor truck or semi-trailer whose height including any part of body or load shall exceed 150 inches, but nothing herein contained shall be construed to require public authorities to provide sufficient vertical clearance to permit the operation of vehicles with a height of 150 inches.

Section 3. That Section 7 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with

the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 7. Length. No person shall operate on any highway any motor-truck whose length, including any part of the body or load, shall exceed 30 feet, nor any semi-trailer truck whose length, including any part of body or load shall exceed 45 feet, provided, however, that loads of poles, logs, lumber, structural steel, piping and timber may exceed the length herein fixed.

Section 4. That Section 8 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 8. Speed. No person shall operate any motor truck or motor vehicle used primarily for the transportation of property or any semi-trailer truck on any highway outside cities or incorporated towns at a greater rate of speed than 40 miles per hour, and inside the limits of cities and incorporated towns the maximum speed limit shall be 20 miles per hour.

Section 5. That Section 11 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled

'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 11. Penalties. The operation of any motor truck, semi-trailer truck or trailer, in violation of any section of this Act, or of the terms of any permit issued hereunder, shall constitute a misdemeanor, and the owner thereof, if such violation was with his knowledge or consent, and the owner thereof, shall on conviction be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and may also be imprisoned or sentenced to hard labor for the county for not less than thirty days nor more than sixty days.

Section 6. That Section 12 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

Section 12. All courts having jurisdiction of misdemeanors punishable by a fine of Five Hundred Dollars (\$500.00) or less and by imprisonment or hard labor, as above provided, shall have concurrent jurisdiction of the trial of all offenses under this Act committed within their respective territorial jurisdictions.

Section 7. That all laws or parts of laws, and all rules and regulations of the State Highway Department (if any), or parts thereof, in conflict or inconsistent with the provisions of this Act, be and the same are hereby expressly repealed.

Section 8. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Mr. Megginson offered the following amendment to the substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

**AMENDMENT TO SUBSTITUTE FOR SENATE BILL NO. 351
BY MR. MEGGINSON**

Amend Sub-section d of Section 4 of House Committee Substitute to Senate Bill 351 by striking out in line 3 of said sub-section d the figures "30,000" where the same appear and inserting in lieu thereof the figures "28,000".

On motion of Mr. McGowin, the amendment offered by Mr. Megginson was tabled.

Yeas, 48; Nays, 45.

<i>Yeas:</i>			
Messrs.:	Flowers	McGowin	Segrest
Austin	Gewin	Nation	Sessions
Ball	Graves	Neighbors	Sherrer
Barnes	Hall	Norman (Lowndes)	Thomas
Beck	Hardwick	Payne	Tidmore
Boswell	Hare	Peacock	Tucker
Castleberry	Haynes	Petrey	Walden
Chewning	Langan	Pitts	Waldrop
Christopher	Locke	Pool	Waller
Clayton	Martin	Robinson (Lowndes)	Weston
Cobb	Matthews (Jackson)	Sanderson	Whigham
Cook	McDanal	Scott	White
Dominick			—48.
<i>Nays:</i>			
Mr. Speaker	Garrett	Mathews (Clarke)	Robinson (St. Clair)
Allen	Golson	Mayhall	Sightler
Bagley	Green	Megginson	Smyer
Barchard	Gwin	Miller	Snyder
Booth	Henson	McCord	Spence
Brown (Lee)	Hill	Newman	Stallings
Collier	Hodo	Norman (Bullock)	Stone
Davis (Madison)	Jones	Owens	Toomer
Dearman	Kaul	Phillips	Welch
Devers	Langley	Quarles	Wood
Dobbs	Lovelace	Robertson (Cullman)	Young
Ellis			—45.

PAIR ANNOUNCED

The following pair was announced:

Yea—Branyon; Nay—Cope.

Mr. Mayhall offered the following amendment to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,
BY MR. MAYHALL

Amend Section 1 of Committee Substitute for S. 351 by striking therefrom Subsection (d) of Section 4 where the same appears in Section 1 and substituting therefor the following:

"(d) No person shall operate on any State Highway any vehicle or combination of vehicles with a gross load in excess of 24,000 pounds. Provided, however, the gross load limit of motor vehicles or combination of motor vehicles upon the county roads shall not exceed 20,000 pounds except in such cases where the Court of County Commissioners, Board of Revenue, or like governing body of the County shall by resolution spread upon the minutes authorize a greater gross load limit upon the County roads of such County. Members of Courts of County Commissioners, Boards of Revenue or like governing bodies are hereby vested with full authority to enforce the provisions of this Act relating to county roads in their respective counties."

On motion of Mr. McGowin, the amendment offered by Mr. Mayhall was tabled.

Yeas, 54; Nays, 39.

Yeas:

Messrs.:	Ellis	Matthews (Jackson)	Segrest
Austin	Flowers	McDanal	Sessions
Ball	Garrett	McGowin	Spence
Barnes	Gewin	Nation	Thomas
Beck	Graves	Neighbors	Tidmore
Booth	Hall	Norman (Lowndes)	Tucker
Boswell	Hardwick	Payne	Walden
Brown (Covington)	Hare	Peacock	Waldrop
Castleberry	Haynes	Petrey	Waller
Chewning	Kaul	Pitts	Welch
Clayton	Langan	Pool	Weston
Cobb	Langley	Robinson (Lowndes)	Whigham
Cook	Locke	Sanderson	White
Dominick	Martin	Scott	

—54

Nays:

Mr. Speaker	Christopher	Golson	Hodo
Allen	Collier	Graham	Jones
Bagley	Davis (Madison)	Green	Mathews (Clarke)
Barchard	Delony	Gwin	Mayhall
Brown (Lee)	Devers	Henson	Megginsin
Carwile	Dobbs	Hill	Miller

McCord
Newman
Norman (Bullock)
Owens

Phillips
Quarles
Robertson (Cullman)
Robinson (St. Clair)
Sightler
Snyder
Stallings
Stone

Toomer
Wood
Young

—39

PAIR ANNOUNCED

The following pair was announced:
Yea—Branyon; Nay—Cope.

Mr. Mayhall offered the following amendment to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,
BY MR. MAYHALL

Amend Section 1 of Committee Substitute for S. 351 by striking therefrom Subsection (d) of Section 4 where the same appears in Section 1 and substituting therefor the following:

“(d) No person shall operate on any State Highway any vehicle or combination of vehicles with a gross load in excess of 25,000 pounds. Provided, however, the gross load limit of motor vehicles or combination of motor vehicles upon the county roads shall not exceed 20,000 pounds except in such cases where the Court of County Commissioners, Board of Revenue, or like governing body of the County shall by resolution spread upon the minutes authorize a greater gross load limit upon the County roads of such County. Members of Courts of County Commissioners, Boards of Revenue or like governing bodies are hereby vested with full authority to enforce the provisions of this Act relating to county roads in their respective counties.”

On motion of Mr. McGowin, the amendment offered by Mr. Mayhall was tabled.

Mr. Mayhall offered the following amendment to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,
BY MR. MAYHALL

Amend Section 1 of Committee Substitute for S. 351 by striking therefrom Subsection (d) of Section 4 where the same appears in Section 1 and substituting therefor the following:

"(d) No person shall operate on any State Highway any vehicle or combination of vehicles with a gross load in excess of 29,000 pounds. Provided, however, the gross load limit of motor vehicles or combination of motor vehicles upon the county roads shall not exceed 20,000 pounds except in such cases where the Court of County Commissioners, Board of Revenue, or like governing body of the County shall by resolution spread upon the minutes authorize a greater gross load limit upon the County roads of such County. Members of Courts of County Commissioners, Boards of Revenue or like governing bodies are hereby vested with full authority to enforce the provisions of this Act relating to county roads in their respective counties."

On motion of Mr. McGowin, the amendment offered by Mr. Mayhall was tabled.

Yeas, 50; Nays, 41.

Yeas:

Messrs.:	Dominick	McGowin	Segrest
Austin	Ellis	Nation	Sessions
Ball	Flowers	Neighbors	Sherrer
Barnes	Gewin	Norman (Lowndes)	Spence
Beck	Graves	Owens	Thomas
Boswell	Hardwick	Payne	Tidmore
Brown (Covington)	Hare	Peacock	Tucker
Castleberry	Haynes	Petrey	Walden
Chewning	Langan	Pitts	Waldrop
Clayton	Locke	Pool	Waller
Cobb	Martin	Robinson (Lowndes)	Whigham
Cook	Matthews (Jackson)	Sanderson	White
Devers	McDanal	Scott	

—50

Nays:

Mr. Speaker	Graham	Mathews (Clarke)	Robinson (St. Clair)
Allen	Green	Mayhall	Sightler
Bagley	Gwin	Meggins	Smyer
Barchard	Henson	Miller	Snyder
Brown (Lee)	Hill	McCord	Stallings
Carwile	Hodo	Newman	Stone
Collier	Jones	Norman (Bullock)	Toomer
Davis (Madison)	Kaul	Phillips	Welch
Delony	Langley	Quarles	Wood
Dobbs	Lovelace	Robertson (Cullman)	Young
Golson			

—41

PAIR ANNOUNCED

The following pair was announced:

Yea—Branyon; Nay—Cope.

Mr. Mayhall offered the following amendment to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,

BY MR. MAYHALL

Amend Section 4 of Committee Substitute for S. 351 by striking therefrom Section 8 where the same appears in Section 4 and substituting therefor the following:

"Section 8. Speed. No person shall operate any motor truck or motor vehicle used primarily for the transportation of property or any semi-trailer truck on any highway outside cities or incorporated towns at a greater rate of speed than 30 miles per hour, and inside the limits of cities and incorporated towns the maximum speed limit shall be 20 miles per hour."

On motion of Mr. McGowin, the amendment offered by Mr. Mayhall was tabled.

Yeas, 59; Nays, 35.

Yeas:

Messrs.:	Devers	Locke	Sessions
Austin	Dominick	Martin	Sherrer
Ball	Ellis	Meggins	Spence
Barnes	Gewin	McDanal	Stallings
Beck	Golson	McGowin	Thomas
Booth	Graves	Norman (Lowndes)	Tidmore
Boswell	Gwin	Payne	Tucker
Brown (Covington)	Hardwick	Peacock	Walden
Castleberry	Hare	Petrey	Waldrop
Chewning	Haynes	Pitts	Waller
Christopher	Henson	Pool	Welch
Clayton	Hodo	Robinson (Lowndes)	Weston
Cobb	Kaul	Sanderson	Whigham
Collier	Langan	Scott	White
Cook	Langley	Segrest	Wood

—59

Nays:

Mr. Speaker	Doster	Mayhall	Robertson (Cullman)
Allen	Flowers	Miller	Robinson (St. Clair)
Baglev	Garrett	McCord	Sightler
Brown (Lee)	Graham	Nation	Smyer
Carwile	Green	Newman	Snyder
Cope	Hall	Norman (Bullock)	Stone
Davis (Madison)	Hill	Owens	Toomer
Delony	Jones	Phillips	Young
Dobbs	Mathews (Clarke)	Quarles	

—35

Mr. Mayhall offered the following amendment to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,

BY MR. MAYHALL

Amend Section 3 of Committee Substitute for S. 351 by striking therefrom Section 7 where the same appears in Section 3 and substituting therefor the following:

"Section 7. Length. No person shall operate on any highway any motor-truck whose length, including any part of the body or load, shall exceed 30 feet, nor any semi-trailer truck whose length, including any part of body or load shall exceed 40 feet, provided, however, that loads of poles, logs, lumber, structural steel, piping and timber may exceed the length herein fixed."

And the amendment offered by Mr. Mayhall to the substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351, was adopted.

Mr. Hardwick offered the following amendment to the substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,

BY MR. HARDWICK

Amend Section 5 of the Committee Substitute for Senate Bill 351 by striking from Section 11 the phrase "and the owner thereof" where it appears in line 4 of Section 11 as amended by Section 5 of the said Substitute and inserting in lieu thereof the phrase "and the operator thereof".

And the amendment offered by Mr. Hardwick to the Substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351, was adopted.

Mr. Hardwick offered the following amendment to the substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. 351,

BY MR. HARDWICK

Amend the caption and the body of the said Substitute as follows:

Amend the caption by adding after the phrase "and 12" where the same appears in line 1 of said caption, the phrase "and 13", and amend the body of said Substitute by adding thereto Section 6-A, to follow immediately after Section 6 thereof, said Section 6-A to read as follows:

"Section 6-A: That Section 13 of an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of law in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932, be and the same is hereby amended to read as follows:

"Section 13. Any officer hereinafter in Section 14 enumerated, having reason to believe that the height, length, width or weight of any motor-truck or semi-trailer truck, is in excess of the maximum limits prescribed by this Act or permitted by any permit issued under the terms hereof, is authorized to measure or weigh the same, either by means of portable or stationary scales, and may require such vehicle to be driven to the nearest stationery scales, in the event such scales are within a distance of five miles. And the said motor truck or semi-trailer truck shall not be released by or taken from the charge and custody of the arresting officer until the fine and costs imposed by this Act upon conviction shall have been paid or secured, nor shall any such motor truck or semi-trailer truck found by any such officer to have a gross weight load in excess of the maximum provided by this Act or by the terms of any permit in the possession of such operator and issued under the provisions of Section 10 (c) hereof be released by or taken from the charge and custody of said arresting officer or be permitted to continue on its way until the gross weight load thereof is reduced to the lawful limit; except that, at the election of the operator, said officer shall permit said operator to move such vehicle, and its load, to the nearest incorporated town or the nearest court having juris-

diction, at which place said excess load shall be unloaded; provided that any excess load, when unloaded, shall be at the sole risk of the owner thereof. The refusal of any such operator to permit his motor truck or semi-trailer truck to be measured or weighed, or to proceed to a stationary scales, or to unload the excess load, shall constitute a violation of this Act, and upon conviction for each such violation which involves the unloading of a motor truck or semi-trailer truck, there shall be taxed as part of the cost of the case and paid to the officer making the arrest and causing the unloading, a fee of ten dollars.

On motion of Mr. McGowin the amendment offered by Mr. Hardwick to the substitute was tabled.

And the substitute reported by the Standing Committee on Public Roads and Highways for the bill, S. 351, as amended was adopted.

Yeas, 57; Nays, 42.

Yeas:

Messrs.:	Doster	Neighbors	Sherrer
Austin	Ellis	Norman (Lowndes)	Spence
Ball	Garrett	Owens	Stone
Barnes	Gewin	Payne	Taylor
Beck	Graves	Peacock	Thomas
Booth	Hall	Petrey	Tidmore
Boswell	Hardwick	Pitts	Tucker
Branyon	Hare	Pool	Walden
Brown (Covington)	Kaul	Robinson (Lowndes)	Waldrop
Castleberry	Langley	Sadler	Waller
Chewning	Locke	Sanderson	Welch
Clayton	Martin	Scott	Weston
Cobb	Matthews (Jackson)	Segrest	Whigham
Cook	McDanal	Sessions	White
Dominick	McGowin		

—57

Nays:

Mr. Speaker	Delony	Jones	Phillips
Allen	Devers	Lovelace	Quarles
Bagley	Dobbs	Mathews (Clarke)	Robertson (Cullman)
Barchard	Flowers	Mayhall	Robinson (St. Clair)
Brown (Lee)	Golson	Megginson	Sightler
Carwile	Graham	Miller	Smyer
Christopher	Green	McCord	Snyder
Collier	Gwin	Nation	Stallings
Cope	Henson	Newman	Wood
Davis (Madison)	Hill	Norman (Bullock)	Young
Dearman	Hodo		

—42

And said bill:

S. 351. To amend Section four and Section five and Section Seven and Section eight of an Act of the Legislature.

House Bill 112 of the General Acts of Alabama
Extra Session 1932, Approved October 6, 1932
Entitled

"An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act', and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency."

As amended by the substitute reported by the Standing Committee on Public Roads and Highways as amended, was read a third time at length and passed.

Yeas, 59; Nays, 38.

Yeas:

Messrs.:	Devers	McGowin	Sightler
Austin	Dominick	Neighbors	Smyer
Ball	Doster	Norman (Lowndes)	Spence
Barnes	Ellis	Owens	Stone
Beck	Gewin	Payne	Taylor
Booth	Graves	Peacock	Thomas
Boswell	Hall	Petrey	Tidmore
Branyon	Hardwick	Pitts	Tucker
Brown (Covington)	Hare	Pool	Walden
Carwile	Kaul	Robinson (Lowndes)	Waldrop
Castleberry	Langley	Sadler	Waller
Chewning	Locke	Sanderson	Welch
Clayton	Lovelace	Scott	Weston
Cobb	Martin	Segrest	Whigham
Cook	McDanal	Sessions	White

—59

Nays:

Mr. Speaker	Christopher	Dobbs	Gwin
Allen	Collier	Flowers	Henson
Bagley	Davis (Madison)	Garrett	Hill
Barchard	Dearman	Golson	Hodo
Brown (Lee)	DeLong	Green	Jones

Langan	McCord	Quarles	Snyder
Mathews (Clarke)	Nation	Robertson (Cullman)	Stallings
Mayhall	Newman	Robinson (St. Clair)	Wood
Megginson	Norman (Bullock)	Sherrer	Young
Miller	Phillips		

—38

PAIR ANNOUNCED

The following pair was announced:

Yea—Branyon; Nay—Cope.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Welch:

H. J. R. 124. WHEREAS, the Legislature has, by joint resolution, resolved to adjourn September 15, 1939, until June 25, 1940, and

WHEREAS, the buckram bound acts of the Legislature cannot be prepared until the adjournment sine die of the Legislature, and

WHEREAS, the general public, including attorneys, state and county officials, and members of the Legislature will be denied access to such buckram bound copies because of their incompleteness, and, therefore, will be at a loss many times to know just what legislation has been enacted, and especially will the Code Commissioner, and the Members of the Code Committee be in daily need of these acts, now, therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Secretary of State be, and he is hereby authorized, to have one thousand (1000) copies of the general and local acts bound in paper binding similar to those bound as passed from January 10th, 1939, to March 14th, 1939, with proper indices, and that the Secretary of State be, and he is hereby authorized, to distribute said copies to those members of the Legislature, state and county officials, and to the Code Commissioner, and the members of the Code Committee, and to the interested public where most needed.

And the H. J. R. 124 was referred to the Standing Committee on Rules.

By Mr. Quarles:

H. R. 125. WHEREAS, during the 1939 session of the Legislature of the State of Alabama, the Highway Patrol of said State deemed it advisable to assign a Highway Patrol Officer to duty on the grounds of the State Capitol for the purpose of regulating traffic, parking, and policing of the cars on and about such grounds

in general and other duties incident to the congestion caused on said grounds by the holding of this session of the Legislature, and

WHEREAS, Officer Tom Whitby was assigned to this duty, and,

WHEREAS, Officer Tom Whitby has performed the said duties in a most efficient, courteous, and meritorious manner, and

WHEREAS, the said Officer Tom Whitby has rendered many services to the members of the Legislature of the State of Alabama other than the duties required of him on the particular job to which he was assigned by the Highway Patrol and has been of great service to the members of said Legislature in innumerable ways.

NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF ALABAMA, that the said body extend to the said Officer Tom Whitby, its expression of appreciation for the efficient, courteous and meritorious manner in which he has served the members of the Legislature and, furthermore, that Chief Weller T. Smith be commended for having in his service and assigning such an able Officer to capitol duty during the 1939 session of the Legislature of Alabama.

BE IT FURTHER RESOLVED, that the Clerk of the House be, and he is hereby directed to transmit a copy of this resolution to Chief Weller T. Smith of the Alabama State Highway Patrol, and to Officer Tom Whitby of the Alabama State Highway Patrol.

And the H. R. 125 was referred to the Standing Committee on Rules.

By Mr. McGowin:

H. J. R. 126. Be it Resolved by the House, the Senate concurring, that Senate Bill 314 be known as the Poole-Langley Bill.

On motion of Mr. McGowin, the rules were suspended and the H. J. R. No. 126 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 194. To authorize and empower a city council or other governing body of any city in the State of Alabama having a population of not less than six thousand and not more than fifteen thousand, according to the last or any subsequent Federal Census, to dissolve the consolidation and administration of county and city schools and operate its schools under the general school laws of the State of Alabama pertaining to City Schools.

S. 362. To provide a retirement fund for aged and incapacitated teachers in the state supported schools; to establish a teachers' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; and to provide a method of financing said system.

S. 388. To Establish the Office of Road Engineer in and for the County of Calhoun; To Prescribe his Qualifications and Duties and Fix his salary and Provide for the Method of His Election and Appointment.

S. 441. To provide for the payment by Cullman County of the costs of local improvements on streets and avenues abutting County property, and the interest thereon, done by the City of Cullman at the instance of the County authorities, under local improvement assessments made against said County by the City of Cullman during the year 1928, which the City of Cullman had paid or is now liable to pay.

S. 463. To create the office of county solicitor of Chilton County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Chilton County.

Also:

S. 464. To abolish the office of deputy solicitor of Chilton County, Alabama, to fix the time when such office shall be abolished, and to provide that such bill shall not affect any general, special, or local laws except as herein provided for.

Also:

S. 470. To propose an amendment to the Constitution of Alabama, authorizing the issuance of not exceeding \$900,000 of bonds for the purpose of paying or retiring certain bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were issued to finance the construction of a bridge across the Tennessee River between Lauderdale and Colbert Counties, and which were outstanding on July 1, 1939, and for the purpose of making said bridge open to the use of the public without the payment of any toll or fee, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature. BE IT ENACTED BY THE LEGISLATURE OF ALA-

BAMA: Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature: The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law. Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the state, for at least four successive weeks, next preceding the day hereby appointed for such elections. Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama Bridge Commission (an Agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and

credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time, or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law." Following the proposed amendment on the ballot shall be printed the words "Yes" and immediately under that shall be printed the word "No" The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire. Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for Representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

S. 474. To propose an amendment to the Constitution of Alabama (1) authorizing the issuance of not exceeding \$5,000,000 of

bonds for the purpose of refunding certain bonds of the Alabama State Bridge Corporation and the Alabama Bridge Authority, Incorporated, outstanding on July 1, 1939, (2) authorizing the Governor to negotiate certain temporary loans in addition to those authorized by Section 213 of the Constitution, as amended, in anticipation of the collection of taxes by the State, for the purpose of providing funds for the prompt payment of the expenses of the State government, and (3) prohibiting the incurring of obligations by agencies of the State, and to order an election by the qualified electors of the State of Alabama on such proposed amendment to be held at the general election next succeeding the present session of the Legislature. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at an election to be held at the general election next succeeding the present session of the Legislature: The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law. In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the

time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind. The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly, absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the

qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? The State of Alabama is hereby authorized to issue not exceeding \$5,000,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of the Alabama State Bridge Corporation and the bonds of the Alabama Bridge Authority, Incorporated, which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the State are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the State providing for a pledge of said gasoline excise tax which may be authorized by constitutional amendment ratified on the same day as this amendment is ratified shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in the amendment to the constitution known as Article XX-A, subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law. In addition to temporary loans authorized by Section 213 of the Constitution, as amended, the Governor without further authority is hereby authorized to issue and sell at advertised public sale during any fiscal year, notes evidencing temporary loans for the purpose of providing funds for the payment of appropriations at the time or times when the funds appropriated are needed. The loans hereby authorized shall, however, be made only in anticipation of the collection of taxes payable during such fiscal year, and the total amount of such loans at any time outstanding shall never exceed thirty per centum (30%) of the estimated amount of uncollected taxes for such fiscal year. The uncollected taxes for such fiscal year shall be estimated by deducting the taxes thus far collected and by deducting the taxes pledged for bonds and interest thereon maturing during that fiscal year from the annual average of the total taxes of the State collected during the preceding three fiscal years as certified by the State Treasurer. Such temporary loans may be evidenced by a negotiable promissory note or notes of the State and shall be due

and payable within the fiscal year in which negotiated and may be renewed or extended but shall not be renewed or extended beyond that fiscal year. Both the principal of and interest on said note or notes shall be payable from and secured by a lien upon the taxes in anticipation of the collection of which they shall have been issued and shall also be general obligations of the State of Alabama; and the full faith and credit and taxing power of the State are hereby irrevocably pledged to the payment thereof. Said notes and the interest thereon shall be forever exempt from taxes of every kind. The State shall not, directly or indirectly, absolutely or contingently, contract or incur any indebtedness or other obligation except as provided in this Constitution, and no department, board, bureau, commission, agency, institution or office of the State and no public corporation or authority shall ever, directly or indirectly absolutely or contingently, incur any debt or other obligation payable from or secured by a pledge of any appropriation or any State funds or any other funds, revenue or income over which the State has any control or issue any warrant or order thereon until such funds, revenues, or income shall have been appropriated and collected or anticipated by temporary loans as herein above provided. Any such debt or obligation of the State and any such debt or obligation or warrant or order of any such department, board, bureau, commission, agency, institution, office, public corporation or authority, shall be void and unenforceable; and no State funds and no funds, revenue or income over which the State has any control shall ever be appropriated or used, directly or indirectly, to pay the principal thereof or the interest thereon. Any appropriation for any such purpose shall be void. Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him beside the word expressing his desire. Section 4. Officers to hold such election shall be the same as those appointed to hold said general election, and such officers shall open a poll for the vote of the qualified electors upon such proposed amendment. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

S. 482. For the relief of Robert L. Goldsmith.

S. 485. To authorize and empower the Board of Revenue or other governing body of like jurisdiction of **Montgomery County, Alabama** to appropriate out of any monies in the county treasury not otherwise appropriated and to expend not exceeding the sum of seven thousand dollars per annum for any County purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "contingent Fund".

S. 486. To require the payment of Medical, Hospital and Doctor's bills upon the payment, settlement, or compromise in **Mobile County, Alabama**, of claims or judgments for damages for personal injuries, when such Medical, Hospital, or Doctor's Bills are incurred in connection with the treatment or cure of such personal injuries and the amount thereof is included in the amount of such payment, settlement or compromise, and written itemized bills therefor are presented, prior to such payment, settlement or compromise, to the party against whom recovery is sought, and to fix the liability therefor of parties paying, settling or compromising such claims or judgments.

S. 387. To create and establish a board to be known as the **County Commission for Calhoun County, Alabama** in the place of the board of Revenue in and for **Calhoun County, Alabama**, now existing in said county, and abolishing said board of revenue of **Calhoun County**; and dividing the said county of **Calhoun** into two districts, and providing for the election of a member of said county commission from each district by vote of the qualified electors of the entire county; and for the election of a chairman of said county commission; defining the jurisdiction of said county commission, and their compensation, and conferring upon said county commission all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of **Alabama**; providing for the election of the successors of said commission; for the appointment of a secretary of said commission and fixing his salary, and providing for a date when said commission shall take office.

S. 489. Requiring the Board of Commissioners or other like governing body of each municipality in the county of **Mobile** to provide for the installation and use of voting machines in all municipal elections—general, special, or primary—to be thereafter held in each such municipality, without submitting the question as to whether or not such voting machines shall be used in such elections to the vote of the electors of any such municipality, and to provide that such voting machines shall thereafter be used in all such mu-

municipal elections held in any such municipality, in conformity with and subject to the general law of the State of Alabama regulating the use of voting machines in municipalities in the State of Alabama.

S. 442. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation, to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931", approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and

operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

S. 495. To amend the caption, Section 2 and Section 6 of an act entitled "An Act to prescribe the conditions under which a municipal corporation, county, improvement authority, power district, federal or other governmental agency may engage in the business of furnishing electric service for industrial, domestic or other consumption in a territory in which there is in existence at the time a plant or distribution system or any part thereof furnishing such service to the public, and to provide a method by which such municipal corporation, county, improvement authority, power district, federal or other governmental agency may acquire such existing facilities at a price to be agreed upon by the parties or fixed by the Alabama Public Service Commission; to provide for a hearing of such matters by the Commission and for appeals from orders entered therein; to exempt from the provisions of this act, with respect to any existing plant or distribution system within its corporate limits, any municipal corporation which prior to the approval hereof shall have been authorized by an election to construct an electric distribution system; and to provide for the repeal of all laws in conflict herewith," approved August 18, 1939.

S. 488. An Act to submit to the qualified voters of the State of Alabama, at the General Election to be held in November, 1940, an Amendment to the Constitution of Alabama so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, alter and regulate the fees, commissions, allowances and salary, including the method or basis of the compensation to be charged or allowed to the Sheriff of Mobile County, Alabama, and to provide the method and basis of the compensation of such Sheriff of Mobile County; and whereby all Acts of the Regular Session of the Alabama Legislature of 1939 and 1939-1940, heretofore or hereafter passed and applicable to or purporting to be applicable to such County, and fixing or purporting to fix the compensation of said Sheriff of Mobile County on a salary basis, are validated and confirmed. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama for their consideration as hereinafter set forth: viz: "The Legislature of Alabama

may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed.

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least eight successive weeks next preceding the date of the election on the Amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed Amendment.

Section 3. That the General Elections to be held in Alabama in November, 1940, the proposed Amendment shall be submitted to the qualified voters of the State of Alabama. Upon the ballots used at said election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama?" The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter, and regulate the fees, commissions, allowances and salaries to be charged or received by the Sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All Acts of the Regular Session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed." Yes.... No.... The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her choice.

Section IV. The Election Officers at such election shall provide a balloting place for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. At the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representative to the Legislature of Alabama, and if it shall appear

thereupon that a majority of the qualified electors who voted upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

S. 289. To amend section 10314 of the Code of 1923, relating to the salary of the Marshal and Librarian of the Supreme Court.

S. 290. To further regulate the office of Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

S. 291. To amend Sections 10332, 10334 and 10335 of the Code of 1923, relating to the reporter of decisions of the Supreme Court, fixing his salary and regulating the duties thereof.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF COMMITTEE OF CONFERENCE

Mr. McGowin from the Committee of Conference heretofore appointed, on the disagreement of the two Houses on the Senate amendment to the bill, H. 782, made the following report:

To The Speaker of the House of Representatives:

To The President of the Senate:

Your Conference Committee appointed to consider the differences between the two Houses relating to House Bill No. 782 respectfully report as follows:

1. This Committee has carefully considered and discussed the differences between the two Houses and find themselves in disagreement, two members of the Senate Committee refusing to recommend that the Senate recede from its position and two members of the House Committee refusing to recommend that the House recede from its position.

Therefore, your Committee is unable to make a report composing the differences between the two Houses or recommending any action, at the present time.

EARL M. MCGOWIN
L. H. ELLIS
J. W. TIDMORE

Conferees on the part of the House.

CHAS. E. SHAVER
FINIS E. ST. JOHN, JR.
O. D. CARLTON

Conferees on the part of the Senate.

Mr. Hare moved that the conferees on the part of the House be instructed to continue their consideration with the Senate Conferees on the disagreement of the two Houses on the Senate amendment to the bill, H. 782, and that the House instruct the conferees on the part of the House to agree to the Senate amendment to said bill, H. 782. Mr. Gewin moved as a substitute for the motion of Mr. Hare that the House conferees be instructed to continue their consideration with the Senate conferees on the disagreement of the two houses on the Senate Amendment to the bill, H. 782, and that the conferees on the part of the House be instructed not to agree to the Senate amendment to said bill, H. 782.

Mr. Hare moved to table the motion of Mr. Gewin and the motion to table prevailed.

Yeas, 51; Nays, 42.

Yeas:

Mr. Speaker	Dominick	Martin	Sherrer
Allen	Flowers	Meggison	Sightler
Austin	Graves	McCord	Smyer
Barchard	Green	McDanal	Snyder
Booth	Gwin	McGowin	Spence
Brown (Covington)	Hardwick	Newman	Stone
Brown (Lee)	Hare	Owens	Toomer
Chewning	Haynes	Pool	Tucker
Clayton	Hodo	Quarles	Waldrop
Collier	Jones	Robinson (St. Clair)	Waller
Davis (Madison)	Kaul	Sanderson	Welch
Delony	Langan	Scott	Young
Devers	Lovelace	Sessions	

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Nays:

Messrs.:	Doster	Mathews (Clarke)	Pitts
Ball	Ellis	Matthews (Jackson)	Robertson (Cullman)
Barnes	Garrett	Mayhall	Robinson (Lowndes)
Beck	Gewin	Miller	Sadler
Boswell	Golson	Nation	Segrest
Carwile	Graham	Neighbors	Stallings
Castleberry	Hall	Norman (Bullock)	Tidmore
Christopher	Henson	Norman (Lowndes)	Walden
Cope	Hill	Peacock	White
Dearman	Langley	Petrey	Wood
Dobbs	Locke	Phillips	

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PAIR ANNOUNCED

The following pair was announced:

Yea—Davis of Montgomery; Nay—Taylor.

And the motion of Mr. Hare prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the bill:

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts 1931, page 265.

And said bill, S. 446, was again read a third time at length and passed as amended by House amendment.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this Act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to generally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

J. E. Speight,
Secretary

SENATE MESSAGE

On motion of Mr. Hare, the House concurred in and adopted the Senate Amendment to the bill, H. 392, said Senate amendment being as follows:

Amend House Bill No. 392 as follows:

(1) Amend Section 19 of said Bill to read as follows:

"Section 19. The State Department of Revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act; not in conflict with the specific provisions hereof. Administrative constructions, interpretations, or rulings heretofore made by the State Tax Commission or the State Department of Revenue, and acted upon in good faith, to the effect that "fuel oil", "crude oil", "diesel oil", "tractor fuel" or "distillate", sold, distributed, stored, or withdrawn from storage, for lighting, heating, or industrial purposes, or for use in the operation of farm tractors or farm machinery upon the farm, and not upon the highways, were not subject to the provisions of the excise tax levied under the provisions of Chapter 4 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, by reason of the ascertainment or determination by such Commission or Department of the fact that said above mentioned products or fuels were at such time, and in such instances, commonly used for lighting, heating or industrial purposes, within the meaning of said Act, or were not at such time commonly used in internal combustion engines as a substitute for gasoline within the meaning of said Act, are hereby ratified and confirmed.

(2) Amend Section 20 to read as follows:

"Section 20. That the provisions of this Act are severable and if any section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, phrase or phrases, word or words of this Act shall be held to be unconstitutional by the valid judgment or decree of any Court of competent jurisdiction, the same shall not affect or impair any of the remaining provisions, sections, paragraphs, sentences, clauses, phrases, and, or words of this Act. It is hereby declared to be the legislative intent that this Act and each section, paragraph, sentence, clause, phrase or word thereof would have been enacted had such unconstitutional section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, phrase or phrases, and word or words not been included herein."

(3) Amend Section 21 of said bill to read as follows:

"Section 21. This Act shall become effective upon the 1st day of October, 1939".

(4) Amend Section 22 of said bill to read as follows:

"Section 22. All laws or parts of laws inconsistent or in conflict with the provisions of this Act are, to the extent of any such inconsistency or conflict, hereby repealed, it being the intention of the Legislature that to the extent of any such inconsistency or conflict, the provisions of this act shall be controlling. The tax herein levied shall not be construed as in lieu of or in anywise affecting the provisions of Chapter 4 of Article XIII of the above mentioned Act, except to the extent that such Act may be construed to levy a tax upon motor fuel, as herein defined and hereby taxed, in which case and to such extent, this Act shall be controlling."

(5) Amend said bill by striking out Section 23.

Amend Com. Amdt. to House bill, No. 392, by striking section 19 thereof, and substituting in lieu of said section 19 the following:

"Section 19. Nothing in this Act shall be construed to relieve any person, firm or corporation from liability for any taxes or penalties which may have heretofore accrued in favor of the State of Alabama."

Yeas, 74; Nay, 1.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sessions
Allen	Dominick	Megginson	Sherrer
Austin	Doster	Miller	Smyer
Bagley	Flowers	McCord	Snyder
Barchard	Garrett	McDanal	Stallings
Beck	Gewin	McGowin	Stone
Booth	Graves	Neighbors	Taylor
Boswell	Green	Newman	Thomas
Branyon	Gwin	Owens	Tidmore
Brown (Lee)	Hare	Payne	Toomer
Carwile	Haynes	Phillips	Tucker
Chewning	Hill	Pitts	Waldrop
Clayton	Hodo	Quarles	Wallace
Cook	Jones	Robertson (Cullman)	Welch
Cope	Kaul	Robinson (St. Clair)	Weston
Davis (Madison)	Langan	Sadler	Whigham
Dearman	Langley	Scott	Wood
Delony	Lovelace	Segrest	Young
Devers	Martin		

—74

Nay : Mr. Ball

— 1

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has acceded to the request of the House for further conference on the disagreement of the two houses on the House amendment to the bill:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

And the Senate has concurred in and adopted the following Report of the Committee of Conference to the bill, S. 369, to-wit:

REPORT OF COMMITTEE ON CONFERENCE ON SENATE

BILL 369

To the President of the Senate:

To the Speaker of the House:

Your committee of conference on the disagreement between the House and the Senate as to S. B. 369 beg leave to report as follows:

Your committee recommends that the Senate and the House recede from their former positions, and your committee further recommends that in lieu of the House amendment the following amendment be adopted:

"Amend Section 17 of Senate Bill 369 by adding at the end thereof the following sentence: Subject to the approval of the Governor there is also hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$25,000 for each of the fiscal years 1939-40, 1940-41, 1941-42, and 1942-43, said sums to be used for old age assistance purposes only as now provided by law."

Respectfully submitted,

Conferees on part of Senate:

T. H. STREET

NORMAN W. HARRIS

J. A. SIMPSON

Conferees on part of House:

ROY MAYHALL

AUBREY DOMINICK

W. L. MARTIN, JR.

And said bill, S. 369, was again read a third time at length and passed as amended.

And sends same, together with the Conference Report herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Dominick, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill, S. 369, said report of said Committee of Conference being set out in the above and foregoing Message from the Senate, said vote being: Yeas, 84; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sanderson
Allen	Dominick	Mayhall	Scott
Austin	Ellis	Meggins	Segrest
Ball	Flowers	Miller	Sessions
Barchard	Golson	McCord	Sightler
Barnes	Graham	McDanal	Smyer
Beck	Green	McGowin	Snyder
Booth	Gwin	Nation	Spence
Boswell	Hall	Neighbors	Stallings
Brown (Covington)	Hare	Newman	Stone
Brown (Lee)	Haynes	Norman (Bullock)	Taylor
Carwile	Henson	Norman (Lowndes)	Thomas
Castleberry	Hill	Owens	Tidmore
Chewning	Hodo	Peacock	Toomer
Christopher	Jones	Phillips	Walden
Clayton	Kaul	Pitts	Waldrop
Collier	Langan	Pool	Welch
Cope	Langley	Quarles	Weston
Davis (Madison)	Lovelace	Robertson (Cullman)	Whigham
Dearman	Martin	Robinson (St. Clair)	White
Delony	Mathews (Clarke)	Sadler	Young

—84

And said bill:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 84; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sanderson
Allen	Dominick	Mayhall	Scott
Austin	Ellis	Megginson	Segrest
Ball	Flowers	Miller	Sessions
Barchard	Golson	McCord	Sightler
Barnes	Graham	McDanal	Smyer
Beck	Green	McGowin	Snyder
Booth	Gwin	Nation	Spence
Boswell	Hall	Neighbors	Stallings
Brown (Covington)	Hare	Newman	Stone
Brown (Lee)	Haynes	Norman (Bullock)	Taylor
Carwile	Henson	Norman (Lowndes)	Thomas
Castleberry	Hill	Owens	Tidmore
Chewning	Hodo	Peacock	Toomer
Christopher	Jones	Phillips	Walden
Clayton	Kaul	Pitts	Waldrop
Collier	Langan	Pool	Welch
Cope	Langley	Quarles	Weston
Davis (Madison)	Lovelace	Robertson (Cullman)	Whigham
Dearman	Martin	Robinson (St. Clair)	White
Delony	Mathews (Clarke)	Sadler	Young

—84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the bill:

S. 351. To amend Sections 4, 5, 7, 8, 11 and 12 of an act entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act; and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932.

And said bill, S. 351, was again read a third time at length and passed as amended.

J. E. Speight,
Secretary.

BILL ON THIRD READING

(With amendment):

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of An Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

HOUSE JUDICIARY COMMITTEE AMENDMENT

Amend Senate Bill 440 as follows:

(1) Amend Subsection 2 (d) as it appears in Section 1 thereof to read as follows:

"(d) 'Employing unit' means any individual or type of organization, including any partnership, association, trust estate, joint stock company, or corporation, whether domestic or foreign, or the

receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1935, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this Act."

(2) Amend Section 4 of the Act by adding a new subsection to be numbered (5) (h) as follows:

"(h) In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall to the extent that regulations promulgated by the Director prescribe, be deemed to be 'wages paid' to such individual."

(3) Amend Subsection (7) (e) (3) as it appears in Section 6 thereof to read as follows:

(3) "The manner in which disputed claims before the Board of Appeals shall be presented and the conduct of hearings and appeals before it shall be in accordance with the regulations prescribed by the Board of Appeals for determining the rights of the parties. At any such hearing the parties shall be afforded a reasonable opportunity for fair hearing and all testimony shall be taken down but need not be transcribed unless an appeal is applied for or taken. No person shall participate in the hearing or disposition of any claim as a member of the Board if he has an interest therein."

(4) Amend Section 10(g) as it appears in Section 9 thereof to read:

"(g) Every employing unit shall keep true and accurate work records containing such information as is necessary for the administration of this Act. Such records shall be open to inspection and be subject to being copied by the Director or his authorized representatives at any reasonable time and as often as may be necessary. The Director, an Appeals Tribunal, any member of the Board of Appeals, created by the Industrial Relations Act of 1939, or any authorized representative of the Director may require from such employer or employing unit such reports covering persons employed by him or it, or employment, wages, hours, unemployment and related matters, as are necessary to the effective administration of this Act. Information thus obtained shall be held confidential, except to the extent necessary for the proper presentation of contest of a claim, and shall not be published or be open to public inspection in any manner revealing the employers' or employing units' identity. Any person violating any provision of this subsection shall be fined not less than twenty dollars nor more than two hundred dollars or imprisoned for not longer than thirty

days, or both. All letters, reports, communications and other matters, written or oral, from employer or employee to each other or to the Director or any of his agents, representatives or employees, or to any official or Board functioning under this Act, which shall have been written, sent, delivered or made in connection with the requirements and administration of this Act, shall be absolutely privileged and shall not be made the subject matter or basis for any suit for slander or libel in any court."

Amend Section 10 (i) (1) as it appears in Section 9 thereof to read:

(1) "In the administration of this Act, the Director shall cooperate to the fullest extent consistent with the provisions of this Act with the Federal Social Security Board created under the Social Security Act and shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to insure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this Act. Upon request therefor the Director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this Act."

(6) Amend Subsection 9(a) as it appears in Section 8 thereof by adding after the words "subject to this Act" at the end of said subsection the following sentence:

"Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be an employer subject to this Act during the whole of such calendar year."

(7) Amend Subsection 3(d) as it appears in Section 2 thereof by adding in that subsection at each place wherein reference appears to "Section 1(a) of the Railroad Unemployment Insurance Act" a reference to "Section 1(d)" so that such references will read wherever they appear in said subsection "Section 1(a) and 1(d) of the Railroad Unemployment Insurance Act."

(8) Amend Subsection 5(e) as it appears in Section 4 thereof, by changing the words "multiple of one-half dollar" wherever they occur therein, to read "multiple of one dollar."

And the amendment reported by the Standing Committee on Judiciary to the bill, S. 440, was adopted.

Yeas, 67; Nay, 1.

Yeas:

Mr. Speaker	Delony	Megginson	Segrest
Allen	Dominick	Miller	Sessions
Austin	Flowers	McCord	Sherrer
Ball	Gewin	McGowin	Sightler
Barnes	Graham	Neighbors	Smyer
Beck	Green	Newman	Snyder
Booth	Hall	Norman (Bullock)	Stone
Brown (Lee)	Hare	Owens	Thomas
Carwile	Henson	Payne	Tidmore
Chewning	Hill	Phillips	Toomer
Christopher	Hodo	Pitts	Tucker
Clayton	Jones	Pool	Walden
Collier	Langan	Quarles	Waller
Cook	Langley	Robertson (Cullman)	Welch
Cope	Locke	Sadler	Whigham
Davis (Madison)	Lovelace	Sanderson	Young
Dearman	Martin	Scott	

—67

Nays: Mr. Peacock

— 1

Messrs. Hardwick and Gewin offered the following amendment to the Bill, S. 440:

AMENDMENT TO SENATE BILL NO. 440

Amend Section 5, Sub-section 6B (a) by striking therefrom the following words:

"For the purposes of this sub-section the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee; provided that nothing in this sub-section contained shall be applicable, either as an expression of policy or otherwise, to any claim on account of unemployment which shall have occurred in any week prior to the effective date hereof; this definition shall not relate to a dispute between an individual worker and his employer".

Mr. Welch moved to table the amendment offered by Messrs. Hardwick and Gewin to the bill, S. 440, and the motion to table was lost.

Yeas, 34; Nays, 47.

Yeas:

Mr. Speaker	Dearman
Allen	Doster
Brown (Covington)	Ellis
Castleberry	Flowers
Chewning	Graham
Christopher	Hill
Collier	Jones
Cook	Kaul
Davis (Madison)	Lovelace

Miller	Sessions
McCord	Smyer
McGowin	Thomas
Payne	Walden
Pitts	Wallace
Robertson (Cullman)	Waller
Robinson (St. Clair)	Welch
Sanderson	Young

—34

Nays:

Messrs.:	Garrett
Barchard	Gewin
Beck	Golson
Booth	Green
Boswell	Hall
Brown (Lee)	Hardwick
Carwile	Hare
Clayton	Henson
Delony	Hodo
Devers	Langan
Dobbs	Langley
Dominick	Locke

Martin	Scott
Mathews (Clarke)	Segrest
Megginson	Sherrer
McDanal	Stallings
Neighbors	Taylor
Newman	Tidmore
Owens	Tucker
Peacock	Waldrop
Petrey	Weston
Phillips	Whigham
Quarles	White
Sadler	Wood

—47

And the amendment offered by Messrs. Hardwick and Gewin to the bill, S. 440, was adopted.

Yeas, 49; Nays, 37.

Yeas:

Messrs.:	Garrett
Barchard	Gewin
Barnes	Golson
Beck	Green
Booth	Hall
Boswell	Hardwick
Brown (Lee)	Hare
Carwile	Henson
Castleberry	Hill
Clayton	Hodo
Delony	Langan
Dobbs	Locke
Dominick	Martin

Megginson	Segrest
McDanal	Sherrer
Newman	Stallings
Owens	Taylor
Payne	Tidmore
Peacock	Toomer
Phillips	Tucker
Pool	Waldrop
Quarles	Weston
Robertson (Cullman)	Whigham
Sadler	White
Scott	Wood

—49

Nays:

Mr. Speaker	Dearman
Allen	Devers
Austin	Doster
Bagley	Ellis
Ball	Flowers
Brown (Covington)	Graham
Chewning	Gwin
Collier	Jones
Cook	Kaul
Davis (Madison)	

Langley	Robinson (St. Clair)
Lovelace	Sanderson
Miller	Sessions
McCord	Smyer
McGowin	Thomas
Nation	Walden
Neighbors	Waller
Petrey	Welch
Pitts	Young

—37

And said bill:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of an Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for co-operation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

As amended, was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Langley	Robinson (St. Clair)
Austin	Delony	Locke	Sadler
Ball	Devers	Lovell	Sanderson
Barnes	Dobbs	Martin	Segrest
Booth	Dominick	Miller	Sessions
Boswell	Flowers	McCord	Smyer
Brown (Covington)	Garrett	McDanal	Stallings
Brown (Lee)	Gewin	McGowin	Taylor
Carwile	Golson	Nation	Thomas
Castleberry	Hall	Neighbors	Tidmore
Chewning	Hardwick	Newman	Toomer
Christopher	Hare	Owens	Tucker
Clayton	Hill	Payne	Welch
Collier	Jones	Pitts	Weston
Cook	Kaul	Quarles	Whigham
Davis (Madison)	Langan	Robertson (Cullman)	Young

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 397. To further provide and prescribe the duties of the Court of County Commissioners of Wilcox County; to provide that the Probate Judge of Wilcox County be a member of said Court; to provide for the number of meetings of said Court, both regular meetings and special meetings; to provide that three members of said Court shall constitute a quorum; to provide the duties of the Chairman of said Court, and to provide for the keeping of records by the Chairman, and to provide for clerical and stenographic assistants for the Chairman; to prescribe the duties of the associate members of said Court, and to provide that the work of said Court shall be done collectively and its powers shall not be delegated to the individual members of said Court; to provide for the term of office and the manner of election of the members of said Court and to provide that the term of office of the Probate Judge, as a member of said Court, shall be coextensive with his term of office as Probate Judge of Wilcox County; to confer upon said Court all the authority, jurisdiction and power granted to Courts of County Commissioners by the General Laws of Alabama and certain jurisdiction, powers and authority in addition thereto; to fix the compensation of the members of said Court, and to provide for a per mile traveling expense; to provide for the filling of vacancies in the membership of said Court; to provide for a temporary Chairman of said Court in the absence of the regular Chairman; to provide for the purchase of supplies and materials to be used by Wilcox County, and to provide that if the Court so desires it may enter into an agreement with the Department of Finance of the State of Alabama and may purchase supplies and materials through the Department of Finance of the State of Alabama, and to provide that all purchases made in amounts exceeding \$100.00 (One hundred dollars) must be made on a competitive bid basis, and to provide that the County Engineer and the Judge of Probate may purchase materials and supplies for road and bridge construction and repair when such contracts do not exceed \$100.00 (One hundred dollars) without first obtaining competitive bids therefor; to provide for the manner of payment of all materials and supplies purchased by said Court, and to provide that supplies and materials not purchased in accordance with the terms of this Act shall not be an obligation against Wilcox County; and to provide for the sale of bonds and warrants and other property of Wilcox County, and to provide for the manner and means of such sale; to provide for the entering into

contracts by Wilcox County, and to provide for the manner of making contracts by Wilcox County; to provide for a pre-auditing and payment of bills for Wilcox County; to provide for the manner of issuing and signing warrants drawn against funds belonging to Wilcox County; to provide for the making of a tentative budget for Wilcox County; to provide for the making and preparing of financial statements for the use of the members of said Court; to provide for the transfer of funds from the General or Special funds to the Road and Bridge Fund; to repeal all laws or parts of laws in conflict with this Act and to expressly repeal an Act of the Legislature of Alabama, approved February 2, 1937, whereby a Board of Revenue was established for Wilcox County, and to provide the dates upon which this Act shall become effective.

Also:

S. 399. To create the office of County Engineer of Wilcox County; to provide for the qualifications of said Engineer; to provide that said office shall be a full time job; to provide that subject to the control and supervision of the Court of County Commissioners of Wilcox County said Engineer shall have full control and supervision of the roads, highways, and bridges of Wilcox County; to provide that said Engineer may purchase materials and tools, and make contracts for the building and/or repairing of roads and bridges and culverts, providing such materials purchased and contracts let do not exceed \$100.00. (One hundred dollars); to provide for the appointment, compensation and duties of said Engineer; to provide that said Engineer shall be the custodian of all tools, supplies, road materials and road machinery of Wilcox County, and to provide that on the failure of said Engineer to account to said Court of County Commissioners for such materials and supplies shall constitute a misdemeanor, and upon conviction, shall be fined not less than \$10.00 (Ten dollars) nor more than \$500.00 (Five hundred dollars) and to provide an effective date for said act.

Also:

S. 400. To further define the duties of the Deputy Solicitor of Wilcox County; to provide that said Solicitor shall furnish legal advice and written opinions to the members of the Court of County Commissioners, or other county officials, provided such legal advice or opinions are required by said Court of County Commissioners or other county officials in the discharge of their official duties; to provide that said Deputy Solicitor shall represent Wilcox County in all condemnation proceedings instituted by said County for the purpose of acquiring rights of way for highways and bridges; to provide that said Solicitor shall represent Wilcox County in acquiring rights of way, and shall draw and prepare all

deeds in connection therewith and to provide that said Solicitor shall represent Wilcox County in all civil and criminal matters whenever requested to do so by the Court of County Commissioners, and to provide that said Solicitor shall perform all other duties required of him under the General Laws of the State of Alabama; to further provide for the compensation of the Deputy Solicitor of said county.

Also:

S. 304. To further regulate and define the powers, functions and duties of the Director of the Department of Archives and History.

Also:

S. 178. To fix the salary of the Clerk of the Court of Appeals of Alabama.

Also:

S. 446. To amend Section 6665 of the Code of Alabama, 1923, as amended by General Acts 1931, page 265.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF CONFERENCE COMMITTEE

Mr. McGowin from the Committee of Conference heretofore appointed on the disagreement of the two Houses on the Senate amendment to the bill, H. 782, made the following report:

To the Speaker of the House of Representatives:

To the President of the Senate:

Your Conference Committee appointed to consider the differences between the two Houses relating to House Bill No. 782, respectfully report as follows:

1. We recommend that the House recede from its position, the conferees on the part of the House having been so instructed by that body and that the House adopt the Senate Amendment to said bill.

2. We further recommend that said bill as amended by the Senate be passed.

EARL M. MCGOWIN
L. H. ELLIS
J. W. TIDMORE

Conferees on the part of the House

CHAS. E. SHAVER
O. D. CARLTON
FINIS E. ST. JOHN, JR.
(Dissenting)

Conferees on the part of the Senate

Mr. Jones moved that the House concur in and adopt the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 782.

Mr. Ellis moved as a substitute for the motion of Mr. Jones that the House non-concur in the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 782. And the motion of Mr. Ellis was lost.

Yeas, 29; Nays, 53.

Yeas:

Messrs.:	Dobbs	Miller	Robertson (Cullman)
Ball	Doster	Neighbors	Sadler
Barnes	Ellis	Norman (Bullock)	Stallings
Boswell	Garrett	Payne	Walden
Carwile	Gewin	Peacock	Waldrop
Castleberry	Golson	Petrey	White
Cope	Hall	Pitts	Wood
Dearman	Mathews (Clarke)		

—29

Nays:

Mr. Speaker	Devers	Langley	Sanderson
Allen	Dominick	Lovelace	Scott
Bagley	Flowers	Martin	Sessions
Barchard	Graham	Megginsin	Sherrer
Booth	Green	McCord	Sightler
Brown (Covington)	Gwin	McDanal	Smyer
Brown (Lee)	Hardwick	McGowin	Stone
Chewning	Hare	Nation	Thomas
Christopher	Haynes	Newman	Toomer
Clayton	Hodo	Owens	Tucker
Collier	Jones	Pool	Waller
Cook	Kaul	Quarles	Welch
Davis (Madison)	Langan	Robinson (St. Clair)	Young
Delony			

—53

PAIR ANNOUNCED

The following pair was announced:

Yea—Taylor; Nay—Davis of Montgomery.

And the motion of Mr. Jones to concur in and adopt the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 782, was adopted.

Yeas, 50; Nays, 31.

Yeas:

Mr. Speaker	Devers	Lovelage	Scott
Allen	Dominick	Martin	Sessions
Bagley	Flowers	McCord	Sherrer
Barchard	Garrett	McDanal	Sightler
Brown (Covington)	Green	McGowin	Smyer
Brown (Lee)	Gwin	Nation	Stone
Chewning	Hardwick	Newman	Toomer
Christopher	Hare	Owens	Tucker
Clayton	Haynes	Pool	Waldrop
Collier	Hodo	Quarles	Waller
Cook	Jones	Robinson (St. Clair)	Welch
Davis (Madison)	Kaul	Sanderson	Young
Delony	Langan		

—50

Nays:

Messrs.:	Doster	Miller	Sadler
Ball	Ellis	Neighbors	Stallings
Barnes	Gewin	Norman (Bullock)	Thomas
Boswell	Golson	Payne	Tidmore
Carwile	Hall	Peacock	Walden
Castleberry	Langley	Petrey	Whigham
Cope	Mathews (Clarke)	Pitts	White
Dobbs	Mayhall	Robertson (Cullman)	Wood

—31

PAIR ANNOUNCED

The following pair was announced:

Yea—Davis of Montgomery; Nay—Taylor.

And said bill:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

As amended by the Report of the Committee of Conference was again read a third time at length and passed.

Yeas, 49; Nays, 31.

Yeas:

Mr. Speaker	Davis (Madison)	Haynes	Newman
Bagley	Delony	Hodo	Owens
Barchard	Devers	Jones	Pool
Booth	Dominick	Kaul	Quarles
Brown (Covington)	Flowers	Langan	Robinson (St. Clair)
Brown (Lee)	Garrett	Langley	Sanderson
Chewning	Green	Martin	Scott
Clayton	Gwin	McCord	Sessions
Collier	Hardwick	McDanal	Sherrer
Cook	Hare	McGowin	Sightler

Smyer	Tucker	Waller	Weston	—49
Stone	Waldrop	Welch	Young	
Toomer				
<i>Nays:</i>				
Messrs.:	Cope	Matthews (Jackson)	Pitts	
Ball	Dearman	Miller	Sadler	
Barnes	Dobbs	Nation	Stallings	
Beck	Doster	Neighbors	Tidmore	
Boswell	Gewin	Norman (Bullock)	Walden	
Carwile	Golson	Payne	Whigham	
Castleberry	Hall	Peacock	White	
Christopher	Mathews (Clarke)	Petrey	Wood	—31

PAIR ANNOUNCED

The following pair was announced:

Yea—Davis of Montgomery; Nay—Taylor.

BILLS ON THIRD READING

S. 314. To further provide for and regulate pensions for Confederate soldiers and sailors and their widows.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

<i>Yeas:</i>				
Mr. Speaker	Flowers	McCord	Segrest	
Bagley	Garrett	McDanal	Sessions	
Barnes	Gewin	McGowin	Sightler	
Beck	Golson	Nation	Smyer	
Boswell	Green	Neighbors	Stallings	
Brown (Covington)	Hall	Newman	Stone	
Brown (Lee)	Hare	Norman (Bullock)	Taylor	
Carwile	Haynes	Owens	Thomas	
Castleberry	Hill	Payne	Tidmore	
Collier	Jones	Peacock	Toomer	
Cook	Kaul	Petrey	Walden	
Cope	Langley	Pitts	Waldrop	
Davis (Madison)	Martin	Robertson (Cullman)	Waller	
Dearman	Mathews (Clarke)	Robinson (St. Clair)	Welch	
Delony	Matthews (Jackson)	Sadler	Whigham	
Devers	Meggison	Sanderson	White	
Dominick	Miller	Scott	Wood	
Ellis				—69

(With amendment):

S. 461. To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be or-

ganized since the adoption of the 1901 Constitution of Alabama, which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said Committee amendment being as follows:

AMENDMENT TO SENATE BILL NO. 461

TO AMEND Section 2 by striking said Section and inserting in lieu thereof the following:

Section 2. That the Commissioners now holding office in any such town or city shall continue in their respective office for their respective terms. One Commissioner shall be elected on the third Monday in September, 1939, for a term of three (3) years and shall take office on the first Monday in October, 1939; one Commissioner shall be elected on the third Monday in September, 1940, for a term of three (3) years, and shall take office on the first Monday in October, 1940; one Commissioner shall be elected on the third Monday in September, 1941, for a term of two (2) years, and shall take office on the first Monday in October, 1941, and one Commissioner shall be elected on the third Monday in September, 1942, for a term of one (1) year, and shall take office on the first Monday in October, 1942, and three Commissioners shall be elected on the third Monday in September, 1943, for a term of three (3) years, and shall take office on the first Monday in October 1943, and thereafter three Commissioners shall be elected on the third Monday in September of every third year and shall take office on the first Monday in October, every third year, and shall hold office for a term of three (3) years. All Commissioners elected pursuant to the provisions of this Act shall hold office for the term for which such Commissioner was elected as provided herein and until their successors have been duly elected and qualified.

On motion of Mr. Hardwick, the amendment reported by the Standing Committee on Municipal Organization to the bill, S. 461, was laid upon the table.

Mr. Hardwick offered the following amendment to the bill, S. 461:

AMENDMENT TO SENATE BILL NO. 461, BY MR. HARDWICK

AMEND Senate Bill No. 461 so that the caption thereof shall read as follows:

To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be organized since the adoption of the 1901 Constitution of Alabama, which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government. To create an Election Board for the appointment of Election officers; provide for their duties, penalties, compensation and terms of office.

Also:

To amend Senate Bill 461 by striking out Section 28½.

Also:

To amend Senate Bill 461 by striking Section 46 as amended and adding in lieu thereof the following:

Section 46. General laws applicable.—All general laws of this State regulating and prescribing the conduct of municipal elections and the qualifications and registration of voters thereat shall apply to elections hereunder, except so far as expressly modified herein.

Section 46. a To provide for the appointment and election of a Board of Election Supervisors, their duties and compensations.—There shall be created an Election Board, known as the Election Board of (-----). The Board of Election

Name of town or city.

Supervisors as herein created shall be appointed by the Governor of the State of Alabama, Member No. 1 to hold office until the first Monday in October, 1940; member No. 2 to hold office until the first Monday in October, 1941 and member No. 3 to hold office until the first Monday in October 1942. Each member so appointed by the Governor shall hold office for the term of his appointment and until his successor has been duly elected and qualified as hereinafter provided.

The Board so appointed shall organize itself, adopt rules and regulations for the carrying out of the purpose of this section and shall elect one of its members as Chairman, who shall serve at the

will of the Board. On the third Monday in September, 1940, there shall be elected by the qualified electors of (_____)

Name of town or city

One member of the Board of Election Supervisors of (_____)

Name of town

_____ for a term of three years and shall take office on the _____
or city

first Monday in October, 1940; for said term, and thereafter one member of the Board shall be elected on the third Monday in September of each year following, for a term of three years and shall take office for said term on the first Monday in October of the year of said election.

All members of the Board of Election Supervisors of (_____)

Name of

_____ either appointed or elected shall be qualified electors of the said City for which elected or appointed and qualified

under the general laws of the State of Alabama, to hold said office.

The Board of Election Supervisors shall appoint an all election officers for the conduct of elections in the cities and towns affected by this Act; shall canvas the returns; declare the results and if no candidate shall receive a majority of the votes cast in such elections and a second election shall become necessary, then order a second or subsequent election, at which the same election officers of the first election shall serve. The Board shall canvas the returns of the second election if held, and declare the results. Said Board shall file with the Board of Commissioners of said City official certificate of the results of the first, and second elections, if held, and said certificate shall be binding upon said Board of Commissioners as to the election of officers herein provided.

The compensation of the members of said Board of Election Supervisors shall be as follows:

The Chairman shall receive the sum of FIFTEEN DOLLARS (\$15.00) for each day actually engaged in the duties of said election Board; each associate member shall receive the sum of TEN DOLLARS (\$10.00), for each day actually engaged in the duties of said Board of Election Supervisors, provided that no member of the Board shall receive compensation for more than three (3) days in any calendar year.

46. b. Provision for Absentee ballot.—The Chairman of the Board of Election Supervisors of said City shall have sole charge and custody of all absentee ballots. He shall cause to be printed an adequate supply of Absentee Requests, Absentee Ballots and affidavits, according to the general laws governing absentee ballots and shall be the sole person to receive requests for absentee ballots, which requests may be made in person or by United States Mail

and when so received the Chairman shall inspect the list of qualified voters for said City and if the name of the person making the request appears on said list, he shall forthwith forward by United States Mail to the address given, an absentee ballot and affidavit, with a return stamped envelope, addressed to the Chairman of the said Board of Election Supervisors. Said Chairman, upon receipt of the absentee ballot shall the same in a safe and secure place and be personally responsible for the safety thereof, in said envelope, unopened, until the day of the election, at which time he shall deliver the same to the election officials of the absentee ballot box.

All expenses for the conduction of said election, including the election supplies, which the Board shall furnish, including the absentee ballots, shall paid by the city or town holding said election, upon a verified statement of the Chairman of the Election Board.

46. c. In the event of a vacancy in said Board of Election Supervisors, caused by death, resignation or removal, such vacancy shall be filled by the remaining members of the Board for the unexpired term of the member having died, resigned or otherwise been removed.

46. d. Each member of the Board of Election Supervisors of said town or city, shall faithfully discharge his duties as provided in the preceding section and any member convicted of a wilful breach of said duties, or of conducting his office contrary to the general lsd of the State of Alabama shall be guilty of a misdemeanor and punished as provided under the general laws of Alabama.

Also:

AMENDMENT

TO AMEND SENATE BILL 461 BY STRIKING SECTION TWO AS AMENDED AND ADDING IN LIEU THEREOF THE FOLLOWING:

SECTION II. That the Commissioners now holding office in any such town or city shall continue in their respective office for their respective terms. One Commissioner shall be elected on the Third Monday in September, 1939, for a term of three (3) years and shall take office on the first Monday in October, 1939; one commissioner shall be elected on the third Monday in September 1940, for a term of three (3) years, and shall take office on the first MONDAY in October, 1940; one Commissioner shall be elected on the third Monday in September 1941, for a term of three (3) years, and shall take office on the first Monday in October, 1941; one Commissioner shall be elected on the third Monday in September, each

year thereafter and shall take office on the first Monday in October after election. All Commissioners elected pursuant to the provisions of this Act shall hold office for the term for which such commissioner was elected as provided herein and until their successors have been duly elected and qualified.

And the amendment offered by Mr. Hardwick to the bill, S. 461, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	McCord	Smyer
Bagley	Flowers	McDanal	Snyder
Barnes	Garrett	Nation	Spence
Booth	Gewin	Neighbors	Stone
Branyon	Graham	Newman	Taylor
Brown (Covington)	Graves	Owens	Thomas
Carwile	Hall	Payne	Walden
Castleberry	Hardwick	Peacock	Waldrop
Christopher	Haynes	Petrey	Wallace
Clayton	Henson	Phillips	Waller
Cobb	Hill	Pitts	Welch
Cook	Jones	Pool	Weston
Cope	Langan	Scott	Whigham
Davis (Madison)	Langley	Segrest	White
Dearman	Mayhall	Sessions	Wood
Delony	Miller	Sherrer	Young
Dominick			

—65

And said bill:

S. 461. To provide for and create a Commission form of Government in all Cities and Towns in the State of Alabama, located within any County which has been or which may hereafter be organized since the adoption of the 1901 Constitution of Alabama, which now has or which may hereafter have a Commission form of Government; to regulate the selection and election of Commissioners and their terms of office and retention and recall from office; to provide for the selection of One Commissioner as Mayor and the retention in office of certain officials; to fix the powers, duties and compensation of such Commissioners and generally to authorize and provide for the creation and maintenance of a Commission Form of Government.

As amended by the amendment offered by Mr. Hardwick, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	McCord	Smyer
Bagley	Flowers	McDanal	Snyder
Barnes	Garrett	Nation	Spence
Booth	Gewin	Neighbors	Stone
Branyon	Graham	Newman	Taylor
Brown (Covington)	Graves	Owens	Thomas
Carwile	Hall	Payne	Walden
Castleberry	Hardwick	Peacock	Waldrop
Christopher	Haynes	Petrey	Wallace
Clayton	Henson	Phillips	Waller
Cobb	Hill	Pitts	Welch
Cook	Jones	Pool	Weston
Cope	Langan	Scott	Whigham
Davis (Madison)	Langley	Segrest	White
Dearman	Mayhall	Sessions	Wood
Delony	Miller	Sherrer	Young
Dominick			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 126. Be it Resolved by the House, the Senate concurring, that Senate Bill 314 be known as the Poole-Langley Bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 491. To provide that when the records and accounts of any officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama, including county superintendents of education, county boards of education, and county custodians or treasurers of school funds, who or which does not receive all of his or its funds or revenues from the General Fund of the State of Alabama are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the cost of such examination and audit shall be a charge against the funds or revenues of the officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama whose records and accounts are examined and audited;

to define what is meant by cost of such examination and audit; and to provide the method and manner of the payment of same.

Also:

H. 492. To provide that when the records and accounts of any municipal corporation are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the municipal corporation whose records and accounts are examined and audited shall reimburse the State for the amount of the salaries and expenses of the officers or employees of said Department or any Division thereof making such examination and audit earned or incurred by them in making the same; and to provide the method and manner of such reimbursement.

Also:

H. 440. To authorize the State Highway Department of Alabama to acquire by gift, purchase, condemnation or otherwise such lands in fee simple and easements over such lands as are required by the United States Department of Interior for the development of that portion of the Natchez Trace Parkway traversing the State of Alabama, and to convey such lands so acquired and easements over such lands so acquired to the United States Government to be used by it for parkway and recreational purposes; to invest the State Highway Department with all the powers and authority necessary to acquire and convey such lands and easements over such lands for such purposes in such a manner as to meet the requirements of the laws of the United States of America and the rules and regulations of the United States Department of Interior in regard thereto; to provide the funds to be used in making such acquisition and conveyance; and to further provide that the authority herein given to the State Highway Department shall be confined to acquiring and conveying lands and easements over lands for that portion of the Natchez Trace Parkway traversing the State of Alabama only.

Also:

H. 550. To further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

Also:

H. 555. To further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local in conflict herewith.

Also:

H. 534. To amend Section 1 of an Act entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Also:

H. 259. To increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

Also:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks, and to provide for the matching of Federal funds available for public rural library service.

Also:

H. 930. To further provide for the powers, duties and responsibilities of the Alabama Institute for Deaf and Blind; to authorize and require the Alabama Institute for Deaf and Blind to set up an "Adult Blind Department"; and to provide an appropriation for carrying out the provisions of this act.

Also:

H. 739. To relieve Clerks of Circuit Courts of the State from liability because of their failure to collect the three dollar trial tax levied by law in Workmen's Compensation settlements made pursuant to Section 7550 of the Code of 1923.

Also:

H. 642. To establish a budget system and provide for the preparation of a budget for each county and city school system in the State and to regulate school financing; to provide that the budgeted expenditures shall not exceed the budgeted income available for any year; to provide penalties for the expenditure of more money than the approved estimate of receipts plus balances on hand when such excess expenditure results in a deficit; to provide for the payment of teachers' salaries when due; to authorize boards of education to borrow funds against the current years' revenues when necessary to meet current expenses as they fall due; and to provide for the payment of such loans.

Also:

H. 525. To amend Section 2837 of the Code of Alabama of 1923 to provide legal status for those diagnosing and treating only local ailments of the human foot and to provide the qualifications for and method of granting a certificate of qualification to such applicants as may qualify.

Also:

H. 554. To repeal Sections 474, 475 and 476 of Article 36 of the Agricultural Code of Alabama of 1927; and to amend the remaining Sections of said Article 36.

Also:

H. 408. To amend Article 34 of the Agricultural Code of Alabama of 1927, as amended by Acts, 1931, page 844, and by Acts, 1935, pages 12, 21 and 192.

Also:

H. 768. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, have a population of 300,000 or more, of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Also:

H. 833. To Provide For the Maintenance Of Law Libraries In Jefferson County, Alabama, In The Courthouses At Birmingham And At Bessemer; To Provide For Taxing And Collecting Fees In The Courts In Jefferson County For Such Purpose, And For The Expenditure Thereof; And To Define The Duties Of Various Officers With Respect To The Maintenance Of Said Law Libraries, And With Respect To The Funds Provided Therefor In This Act.

Also:

H. 1001. To further regulate statutory inferior courts other than those created in lieu of justices of the peace in counties of the state having a population of 300,000 or more according to the last or any subsequent Federal census; to further provide for the service or execution of the processes of such courts, and define the powers and duties of the several sheriffs of the state and their deputies with respect to such processes; to further provide for the

registration of judgments of such courts, the liens thereof and the issuance of executions thereon.

Also:

H. 650. To vacate, close, annul and abolish as public highways, streets, sidewalks or avenues of travel for the public use, and to relinquish, annul and abandon any dedication of that portion of Eighth Avenue which is between Twenty-Eighth Street and Twenty-Ninth Street, in the City of Bessemer, Jefferson County, Alabama, and also the sidewalk on the south side of Twenty-Ninth Street from Ninth Avenue to the point where it intersects with the Southern Railway crossing, between Seventh and Eighth Avenues, in the City of Bessemer, Jefferson County, Alabama, and to further provide that the title to the land comprising said portion of said streets, avenues, and sidewalks, shall revert to and vest in the present owners of the abutting property.

Also:

H. 1015. To amend Section 4 of an Act of the Legislature entitled: "An Act to amend an Act of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensations of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931,"; as amended by Acts of the Legislature of Alabama approved August 8, 1935, and found in Local Acts of Alabama, at pages 136 and 137.

Also:

H. 1006. To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama for or which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

Also:

H. 1004. To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which

such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

Also:

H. 983. To alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.

Also:

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Also:

H. 988. To authorize the appointment of an additional deputy sheriff in all counties of not less than 34,000 and not more than 35,000 population according to the last preceding or any subsequent federal census, to provide for fixing and payment of his compensation and to provide for his qualification, removal and appointment of his successor, and for the discontinuance of the office.

Also:

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Also:

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; to fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Also:

H. 952. To create and establish in Mobile County, Alabama, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in full or in part from the public funds of said county, or municipalities located therein, or who receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer; to create a Citizens Supervisory Committee; to create a Personnel Board and other agencies for the supervision and administration of said system; to define the scope and extent of said system and the powers, duties and authority of said committee, board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such committee, board and agencies over such personnel and over said county and municipalities therein; to provide for the payment of the expenses of the administration of this act and for a division of such expense between said county and municipalities therein; to provide for the enforcement of this act and of rules and regulations adopted pursuant thereto, and to provide penalties for the violation thereof; and to repeal all laws or parts of laws inconsistent with the provision hereof.

Also:

H. 948. To create and establish a Board of Revenue and Control of Morgan County, Alabama, in the place of the present Board of Revenue now existing in said county, to consist of five members, one of whom shall be Chairman of said Board, and one member to be from each of the four districts of the county; to abolish the Board of Revenue of Morgan County; to divide said county into four districts and to define the boundaries of each district; to name the Chairman of the Board and to provide for the appointment of the members of the Board from said four districts, and to fix the term of office, compensation, and duties of each, and to provide for the qualifications and election of the successors to the members of the Board from each of the four districts and the qualifications and the manner of electing the successor to the Chairman; to provide the time and place of holding regular meetings of said Board; to confer upon said Board all the authority, jurisdiction, and power granted to Courts of County Commissioners by the general laws of Alabama and certain duties, jurisdiction, power, and authority in addition thereto; to constitute each member of the Board from the four districts supervisor of all public roads within his district; to provide that the Board fix a wage and salary scale for all employees engaged on work on the public roads in the county and to require that the same be uniform throughout the county; to provide that all supplies, material, and equipment for the county and the

offices and officers of the county and courthouse and jail and other buildings be purchased by the Chairman of the Board on order of the Board made at regular meetings of the Board on Monday after posting a purchase notice on a bulletin board situated by the door of his office in the courthouse requesting bids therefor and requiring the Chairman to accept the lowest responsible bid and prescribing the procedure to be observed in making purchases and the records thereof to be made; to provide that Morgan County shall not be liable in any form of action for the price, value, or use of any property not purchased as provided in this act; to provide that no lease-sale contract or contract for the rental or hire of any such property shall be made by the Board except upon order of the Board voted for by all attending members, including the Chairman, at a regular meeting of the Board and providing for the members of the Board to rent trucks for road work at rentals not in excess of that previously fixed by order of the Board; to authorize the Board to make contracts for the purchase of gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, and providing the manner of the making of such contracts; to authorize each member of the Board in emergencies and in cases [where work on the roads within his district would otherwise be unduly delayed to purchase for the county needed equipment and materials at a cost not to exceed \$10.00, and to provide the method of making such purchases; to authorize each member of the Board to have repairs made to the machinery and equipment used on the public roads within his district and to require reports thereof to be made to the Chairman; to provide for the upkeep and repair of the courthouse and jail and the equipment and fixtures therein; to provide for the keeping of records by the Chairman and to provide for clerical and stenographic assistance to the Chairman and to limit the cost thereof; to provide for the purchase by the Chairman of certain materials and equipment and services and to provide the hours during which his office shall be open; to provide for the official bonds to be given by the members and Chairman of the Board to be approved by the Probate Judge; to provide a method for filling vacancies in the offices of members of the Board and the Chairman of the Board; to repeal all laws in conflict with this act and to expressly repeal an act of the Legislature of Alabama, approved September 29, 1919, (Local Acts, 1919, page 258 et seq.) whereby a Board of Revenue was established in and for Morgan County; to provide for the effect of the invalidity of parts of this act, and the contingency upon which and time when this act shall be effective.

Also:

H. 941. To authorize the governing board in all counties having a population of not less than 100,000 and not more than 300,000 according to the last or any subsequent Federal Census to employ a matron for the county jail in said county; to fix her duties and provide for her compensation.

Also:

H. 928. To regulate, define and license the practice of barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to authorize the County Board of Barber Examiners to establish minimum prices and hours for Barbers in said County when the same have been agreed to by not less than 80% of all the licensed and registered Barbers of said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this act.

Also:

H. 879. To fix the compensation or salary to be paid the tax collector of Morgan County, Alabama, and to regulate the payment of the same; to provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Tax Collector of Morgan County, Alabama, and to require said tax collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said Tax Collector of Morgan County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Also:

H. 924. To provide for the submission of a referendum to the qualified electors of all counties in the State of Alabama that had, according to the last Federal Census, a population of not less than 17,775 and not more than 18,425 inhabitants, at the time of the next general election, to determine the sentiments of the qualified electors of said counties on the question of whether or not the Superintendent of Education in said counties shall be elected by the qualified electors thereof.

Also:

H. 796. To repeal an act entitled an act to fix the amount of the salary of the judge of the county court of Conecuh County, Alabama, to provide for the payment of said salary by warrants

of said judge drawn on the treasury of said county, and to make such warrants a preferred claim against the treasury of said county, Approved September 9, 1927.

Also:

H. 795. To repeal an act entitled, an act to require the Board of Revenue of Conecuh County, to levy a special tax of one-twentieth of one percent on all taxable property in said county as assessed for state taxation, for the tax year commencing October 1, 1931, and to authorize said Board to levy an additional special tax to be used for public health work in said county; to provide that the total levy in any one year shall not exceed one half of one per cent, exclusive of levies for public buildings or bridges; to fix such taxes as Conecuh County's contribution to the budget of the Conecuh county health department; to provide to whom said special taxes shall be paid and how the same shall be disbursed. Approved June 12, 1931.

Also:

H. 598. To repeal an Act passed by the Legislature of Alabama, approved October 7, 1932, entitled "An Act to provide for the employment of a Matron at the Mobile County jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury, and to provide that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and to provide that this Act shall take effect immediately upon its passage and approval", and to provide that this Act shall take effect immediately upon its passage and approval.

Also:

H. 657. To provide for the relief of Mrs. W. L. Spivey, former matron of the Montgomery County Boarding Home, for Children committed to said home by the Juvenile and Court of Domestic Relations of Montgomery County, Alabama, and to authorize the payment to her of the sum of Two Hundred and Twenty-Five Dollars and Ninety Cents (\$225.90) and interest thereon from January 15th, 1937, at the rate of six percent per annum, out of the general funds of Montgomery County, Alabama, said sum of money being due her for the care of children committed to said Home, and being now unpaid.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A.M. on September 12, 1939:

H. 125.

H. 192.

H. 352.

H. 365.

H. 425.

H. 426.

H. 427.

H. 439.

H. 490.

H. 510.

H. 511.

H. 513.

H. 514.

H. 516.

H. 522.

H. 562.

H. 609.

H. 630.

H. 660.

H. 668.

H. 669.

H. 670.

H. 671.

H. 691.
H. 706.
H. 717.
H. 718.
H. 730.
H. 779.
H. 780.
H. 827.
H. 829.
H. 868.
H. 886.
H. 887.
H. 892.
H. 893.
H. 896.
H. 904.
H. 907.
H. 926.
H. 937.
H. 942.
H. 944.
H. 951.
H. J. R. 116.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. McGowin, the House, in accordance with a House joint resolution heretofore adopted, adjourned until Friday, September 15th, 1939, at nine o'clock, A.M.

FORTY-SEVENTH DAY

House of Representatives,
Montgomery, Alabama,
Friday, September 15, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Dr. Gray of Montgomery, Ala.

ROLL CALL

On a call of the roll of the House, the following members answered to their names.

Mr. Speaker	Dobbs	Martin	Scott
Allen	Dominick	Matthews (Jackson)	Segrest
Austin	Doster	Mayhall	Sessions
Bagley	Ellis	Megginson	Sherrer
Ball	Flowers	Miller	Sightler
Barchard	Garrett	McCord	Smyer
Barnes	Gewin	McDana1	Snyder
Beck	Golson	McGowin	Spence
Booth	Graham	Nation	Stallings
Boswell	Graves	Neighbors	Stone
Branyon	Green	Newman	Taylor
Brown (Covington)	Gwin	Norman (Bullock)	Thomas
Brown (Lee)	Hall	Norman (Lowndes)	Tidmore
Carwile	Hardwick	Owens	Toomer
Castleberry	Hare	Payne	Tucker
Chewning	Haynes	Peacock	Waldrop
Christopher	Henson	Petrey	Walden
Clayton	Hill	Phillips	Wallace
Cobb	Hodo	Pitts	Waller
Collier	Jenkins	Pool	Welch
Cook	Jones	Quarles	Weston
Cope	Kaul	Robertson (Cullman)	White
Davis (Madison)	Langan	Robinson (Lowndes)	Whigham
Dearman	Langley	Robinson (St. Clair)	Wood
Delony	Locke	Sadler	Young
Devers	Lovelace	Sanderson	

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A quorum was present.

LEAVE OF ABSENCE

Was granted to Messrs. Mathews of Clarke and Wright for today.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on the Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the forty-sixth legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-sixth legislative day was dispensed with and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the forty-sixth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolutions:

H. 218. To amend Sections 3, 4, and 5 of an Act, entitled: "An Act to create a State Toxicologist, to fix the duties and compensations of such Toxicologist, and to make an appropriation to carry out the provisions of this Act". Approved July 19, 1935.

Also:

H. 259. To increase the duties of the State Superintendent of Education and to provide additional compensation therefor.

Also:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this Act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the

provisions of this act; to fix the effective date of this act; and to generally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

Also:

H. 408. To amend Article 34 of the Agricultural Code of Alabama of 1927, as amended by Acts, 1931, page 844, and by Acts, 1935, pages 12, 21 and 192.

Also:

H. 440. To authorize the State Highway Department of Alabama to acquire by gift, purchase, condemnation or otherwise such lands in fee simple and easements over such lands as are required by the United States Department of Interior for the development of that portion of the Natchez Trace Parkway traversing the State of Alabama, and to convey such lands so acquired and easements over such lands so acquired to the United States Government to be used by it for parkway and recreational purposes; to invest the State Highway Department with all the powers and authority necessary to acquire and convey such lands and easements over such lands for such purposes in such a manner as to meet the requirements of the laws of the United States of America and the rules and regulations of the United States Department of Interior in regard thereto; to provide the funds to be used in making such acquisition and conveyance; and to further provide that the authority herein given to the State Highway Department shall be confined to acquiring and conveying lands and easements over lands for that portion of the Natchez Trace Parkway traversing the State of Alabama only.

Also:

H. 491. To provide that when the records and accounts of any officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama, including county superintendents of education, county boards of education, and county custodians or treasurers of school funds, who or which does not receive all of his or its funds or revenues from the General Fund of the State of Alabama are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the cost of such examination and audit shall be a charge against the funds or revenues of the officer, department, board, bureau, commission, institution, agency or public corporation of the State of Alabama whose records and accounts are examined and audited; to define what is meant by cost of such examination and audit; and to provide the method and manner of the payment of same.

Also:

H. 492. To provide that when the records and accounts of any municipal corporation are examined and audited by the Department of Finance or any Division thereof in the manner provided in the "Department of Finance Act of 1939," approved March 7, 1939, the municipal corporation whose records and accounts are examined and audited shall reimburse the State for the amount of the salaries and expenses of the officers or employees of said Department or any Division thereof making such examination and audit earned or incurred by them in making the same; and to provide the method and manner of such reimbursement.

Also:

H. 495. To provide for the transfer of any surplus over and above \$1,150,000.00 in the State Treasury to the credit of the General Fund, after the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to the Minimum Program Fund for expenditure during the fiscal year next succeeding the fiscal year in which said surplus accrues, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund.

Also:

H. 525. To amend Section 2837 of the Code of Alabama of 1923 to provide legal status for those diagnosing and treating only local ailments of the human foot and to provide the qualifications for and method of granting a certificate of qualification to such applicants as may qualify.

Also:

H. 534. To amend Section 1 of an Act entitled "An Act to create a Board to be known as 'State Board of Adjustment'; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor," approved September 14, 1935.

Also:

H. 550. To further prescribe the powers, functions and duties of the office of the State Treasurer, to further provide for the administration thereof, to further regulate salaries and compensation of the State Treasurer and the employment in said office, and to make the necessary appropriation from the State Treasury to carry out the provisions of this Act.

Also:

H. 554. To repeal Sections 474, 475 and 476 of Article 36 of the Agricultural Code of Alabama of 1927; and to amend the remaining Sections of said Article 36.

Also:

H. 555. To further regulate and define the powers, functions and duties of the State Auditor, and to repeal all laws and parts of laws, general, special and local in conflict herewith.

Also:

H. 598. To repeal an Act passed by the Legislature of Alabama, approved October 7, 1932, entitled "An Act to provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury, and to provide that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and to provide that this Act shall take effect immediately upon its passage and approval", and to provide that this Act shall take effect immediately upon its passage and approval.

Also:

H. 642. To establish a budget system and provide for the preparation of a budget for each county and city school system in the State and to regulate school financing; to provide that the budgeted expenditures shall not exceed the budgeted income available for any year; to provide penalties for the expenditure of more money than the approved estimate of receipts plus balances on hand when such excess expenditure results in a deficit; to provide for the payment of teachers' salaries when due; to authorize boards of education to borrow funds against the current years' revenues when necessary to meet current expenses as they fall due; and to provide for the payment of such loans.

Also:

H. 650. To vacate, close, annul and abolish as public highways, streets, sidewalks or avenues of travel for the public use, and to relinquish, annul and abandon any dedication of that portion of Eighth Avenue which is between Twenty-Eighth Street and Twenty-Ninth Street, in the City of Bessemer, Jefferson County, Alabama, and also the sidewalk on the south side of Twenty-Ninth Street from Ninth Avenue to the point where it intersects with the Southern Railway crossing, between Seventh and Eighth Avenues, in the City of Bessemer, Jefferson County, Alabama, and to further provide that the title to the land comprising said portion of said streets, avenues, and sidewalks, shall revert to and vest in the present owners of the abutting property.

Also:

H. 657. To provide for the relief of Mrs. W. L. Spivey, former matron of the Montgomery County Boarding Home, for children committed to said home by the Juvenile and Court of Domestic Relations of Montgomery County, Alabama, and to authorize the payment to her of the sum of Two Hundred and Twenty-Five Dollars and Ninety Cents (\$225.90) and interest thereon from January 15th, 1937, at the rate of six percent per annum, out of the general funds of Montgomery County, Alabama, said sum of money being due her for the care of children committed to said Home, and being now unpaid.

Also:

H. 739. To relieve Clerks of Circuit Courts of the State from liability because of their failure to collect the three dollar trial tax levied by law in Workmen's Compensation settlements made pursuant to Section 7550 of the Code of 1923.

Also:

H. 768. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, have a population of 300,000 or more, of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Also:

H. 770. To provide for the creation, operation, supervision, termination and regulation of all associations accepting monies from the public for the promotion of thrift and financing of homes, whether or not incorporated; the regulation and supervision of a like business by an individual or partnership; the operation, supervision, termination and regulation of every corporation heretofore incorporated under the laws of this State, and the consolidation of two or more of them, accepting monies from the public and having for its purpose the promotion of thrift and the financing of homes by whatever name known, except Saving Banks, trust companies and trust departments of commercial banks; and the creation of a Savings and Loan Bureau of the Department of Commerce for the State of Alabama; to repeal all laws in conflict herewith, and to repeal all laws and parts of laws pertaining to Building and Loan Associations in Alabama.

Also:

H. 795. To repeal an act entitled, an act to require the Board of Revenue of Conecuh County, to levy a special tax of one-twentieth of one percent on all taxable property in said county as assessed for state taxation, for the tax year commencing October 1, 1931, and to authorize said Board to levy an additional special tax to be used for public health work in said county; to provide that the total levy in any one year shall not exceed one half of one percent, exclusive of levies for public buildings or bridges; to fix such taxes as Conecuh County's contribution to the budget of the Conecuh county health department; to provide to whom said special taxes shall be paid and how the same shall be disbursed. Approved June 12, 1931.

Also:

H. 796. To repeal an act entitled an act to fix the amount of salary of the judge of the county court of Conecuh County, Alabama, to provide for the payment of said salary by warrants of said judge drawn on the treasury of said county, and to make such warrants a preferred claim against the treasury of said county, Approved September 9, 1927.

Also:

H. 833. To Provide For The Maintenance Of Law Libraries In Jefferson County, Alabama, In The Courthouses At Birmingham And At Bessemer; To Provide For Taxing And Collecting Fees In The Courts In Jefferson County For Such Purpose, And For The Expenditure Thereof; And To Define The Duties Of Various Officers With Respect To The Maintenance Of Said Law Libraries, And With Respect To The Funds Provided Therefor In This Act.

Also:

H. 874. To authorize municipalities in the State of Alabama to create and establish Municipal Electric Utility Boards; to provide for its membership; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of such mu-

municipality by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Municipal Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant where the amount to be expended is more than \$1,000, the expenditure must be approved by the governing body of such municipality; to provide for an annual audit; and to provide for reports of the Board to the governing body of such municipality.

Also:

H. 879. To fix the compensation or salary to be paid the tax collector of Morgan County, Alabama, and to regulate the payment of the same; To provide for compensation of Clerks, Deputies, Clerical Assistants and other expenses in said office of the Tax Collector of Morgan County, Alabama, and to require said tax collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Morgan County; To provide for the payment of the salary or compensation of said Tax Collector of Morgan County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Morgan County, and to prescribe when this Act shall go into effect.

Also:

H. 924. To provide for the submission of a referendum to the qualified electors of all counties in the State of Alabama that had, according to the last Federal Census, a population of not less than 17,775 and not more than 18,425 inhabitants, at the time of the next general election, to determine the sentiments of the qualified electors of said counties on the question of whether or not the Superintendent of Education in said counties shall be elected by the qualified electors thereof.

Also:

H. 928. To regulate, define and license the practice of barbering in Madison County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about Barber Shops in said County; to authorize the County Board of Barber Examiners to establish minimum prices and hours for Barbers in said County when the same have been agreed to by not less than 80%

of all the licensed and registered Barbers of said County; to create a Board of Barber Examiners for said County, and define its powers and duties; to fix the punishment for the violation of the provisions of this act.

Also:

H. 930. To further provide for the powers, duties and responsibilities of the Alabama Institute for Deaf and Blind; to authorize and require the Alabama Institute for Deaf and Blind to set up an "Adult Blind Department"; and to provide an appropriation for carrying out the provisions of this act.

Also:

H. 941. To authorize the governing board in all counties having a population of not less than 100,000 and not more than 300,000 according to the last or any subsequent Federal Census to employ a matron for the county jail in said county; to fix her duties and provide for her compensation.

Also:

H. 948. To create and establish a Board of Revenue and Control of Morgan County, Alabama, in the place of the present Board of Revenue now existing in said county, to consist of five members, one of whom shall be Chairman of said Board, and one member to be from each of the four districts of the county; to abolish the Board of Revenue of Morgan County; to divide said county into four districts and to define the boundaries of each district; to name the Chairman of the Board and to provide for the appointment of the members of the Board from said four districts, and to fix the term of office, compensation, and duties of each, and to provide for the qualifications and election of the successors to the members of the Board from each of the four districts and the qualifications and the manner of electing the successor to the Chairman; to provide the time and place of holding regular meetings of said Board; to confer upon said Board all the authority, jurisdiction, and power granted to Courts of County Commissioners by the general laws of Alabama and certain duties, jurisdiction, power, and authority in addition thereto; to constitute each member of the Board from the four districts supervisor of all public roads within his district; to provide that the Board fix a wage and salary scale for all employees engaged on work on the public roads in the county and to require that the same be uniform throughout the county; to provide that all supplies, material, and equipment for the county and the offices and officers of the county and courthouse and jail and other buildings be purchased by the Chairman of the Board on order of the Board made at regular meetings of the Board on Monday after posting a purchase notice on a bulletin

board situated by the door of his office in the courthouse requesting bids therefor and requiring the Chairman to accept the lowest responsible bid and prescribing the procedure to be observed in making purchases and the records thereof to be made; to provide that Morgan County shall not be liable in any form of action for the price, value, or use of any property not purchased as provided in this act; to provide that no lease-sale contract or contract for the rental or hire of any such property shall be made by the Board except upon order of the Board voted for by all attending members, including the Chairman, at a regular meeting of the Board and providing for the members of the Board to rent trucks for road work at rentals not in excess of that previously fixed by order of the Board; to authorize the Board to make contracts for the purchase of gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, and providing the manner of the making of such contracts; to authorize each member of the Board in emergencies and in cases where work on the roads within his district would otherwise be unduly delayed to purchase for the county needed equipment and materials at a cost not to exceed \$10.00, and to provide the method of making such purchases; to authorize each member of the Board to have repairs made to the machinery and equipment used on the public roads within his district and to require reports thereof to be made to the Chairman; to provide for the upkeep and repair of the courthouse and jail and the equipment and fixtures therein; to provide for the keeping of records by the Chairman and to provide for clerical and stenographic assistance to the Chairman and to limit the cost thereof; to provide for the purchase by the Chairman of certain materials and equipment and services and to provide the hours during which his office shall be open; to provide for the official bonds to be given by the members and Chairman of the Board to be approved by the Probate Judge; to provide a method for filling vacancies in the offices of members of the Board and the Chairman of the Board; to repeal all laws in conflict with this act and to expressly repeal an act of the Legislature of Alabama, approved September 29, 1919, (Local Acts, 1919, page 258 et seq.) whereby a Board of Revenue was established in and for Morgan County; to provide for the effect of the invalidity of parts of this act, and the contingency upon which and time when this act shall be effective.

Also:

H. 952. To create and establish in Mobile County, Alabama, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in full or in part from the public funds of said county, or municipalities located therein, or who receive their compensation from any elected

official and perform duties pertaining to the office of such elected official or officer; to create a Citizens Supervisory Committee; to create a Personnel Board and other agencies for the supervision and administration of said system; to define the scope and extent of said system and the powers, duties and authority of said committee, board and other agencies; to regulate and define the manner, form and extent of the control, supervision and authority of such committee, board and agencies over such personnel and over said county and municipalities therein; to provide for the payment of the expenses of the administration of this act and for a division of such expense between said county and municipalities therein; to provide for the enforcement of this act and of rules and regulations adopted pursuant thereto, and to provide penalties for the violation thereof; and to repeal all laws or parts of laws inconsistent with the provisions hereof.

Also:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks, and to provide for the matching of Federal funds available for public rural library service.

Also:

H. 956. To further regulate and define the powers, duties and authority of the county superintendent of education of Conecuh County, Alabama; to fix his qualifications; to fix his term of office; to fix his compensation and provide how same shall be paid; to provide the effective date of said act, and to repeal all laws, and parts of laws, general, special, or local, in conflict.

Also:

H. 957. To further regulate and define the powers, duties and authority of the county board of education of Conecuh County, Alabama; to prescribe the qualifications of members of said board; to fix their compensation and manner of payment; to provide the manner and time of their election; to provide for the filling of vacancies on said board; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Also:

H. 982. To Create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensa-

tion and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

Also:

H. 983. To alter the corporate limits of the Town of Castleberry, Alabama, and to re-arrange and define the boundaries thereof.

Also:

H. 988. To authorize the appointment of an additional deputy sheriff in all counties of not less than 34,000 and not more than 35,000 population according to the last preceding or any subsequent federal census, to provide for fixing and payment of his compensation and to provide for his qualification, removal and appointment of his successor, and for the discontinuance of the office.

Also:

H. 1001. To further regulate statutory inferior courts other than those created in lieu of justices of the peace in counties of the state having a population of 300,000 or more according to the last or any subsequent Federal census; to further provide for the service or execution of the processes of such courts, and define the powers and duties of the several sheriffs of the state and their deputies with respect to such processes; to further provide for the registration of judgments of such courts, the liens thereof and the issuance of executions thereon.

Also:

H. 1004. To authorize the Personnel Board created or to be created under any law providing for a County-wide Civil Service System in Mobile County, Alabama, to allow any person employed at the time of the passage of this Act in any employment to which such Civil Service System is applicable, to continue to hold any such position, notwithstanding that such person is related by blood or marriage to any superior, or so related to any member of any Board or Body, having the power of appointment over such position; and to repeal all laws or parts of laws in so far as the same may be in conflict herewith.

Also:

H. 1006. To require the Court of County Commissioners or other like governing body of Winston County, Alabama, to pay for the publication of the notice of each and every local bill heretofore introduced at the present session of the Legislature of Alabama, or which may hereafter be introduced at the present session or any subsequent session of the Legislature of Alabama for or

which applies alone to said County, and out of any money in the treasury of said County not otherwise appropriated; provided the said notice was published or caused to be published by the representative of said county or by the State Senator from the senatorial district, which includes Winston County.

Also:

H. 1015. To amend Section 4 of an Act of the Legislature entitled: "An Act to amend an Act of the Legislature of Alabama entitled: "An Act to provide for the election of a County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the terms and compensations of such officers; approved July 17, 1931, and found on pages 197 and 198 of Local Acts, 1931,"; as amended by Acts of the Legislature of Alabama approved August 8, 1935, and found in Local Acts of Alabama, at pages 136 and 137.

Also:

H. J. R. 122. Designating S. B. 468 as the Young-Norman (of Bullock), bill.

Also:

H. J. R. 126. Be it Resolved by the House, the Senate concurring, that Senate Bill 314 be known as the Poole-Langley bill.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 1052. To regulate the office of sheriff in all counties of the State of Alabama which now have or may hereafter have a popu-

lation of not less than fifty five thousand five hundred, and not more than sixty three thousand, according to the last or any subsequent federal census; to exempt the sheriffs of said counties from court costs; to fix the compensation or salary to be paid to the sheriffs of said counties, and to regulate the payment of the same; to fix the number and compensation of the sheriffs' deputies, guards, jailers, and other employees of the sheriffs; to require the deputy sheriffs and special deputy sheriffs of said sheriffs to execute official bonds, conditioned, payable and approved as the bond of the sheriffs; to exempt the sheriffs of said counties from liability for the acts of the deputies, except in certain cases; to provide for the appointment and compensation of special deputies; to provide for the payment of the premium on the sheriffs' and all deputies' bonds out of the county treasury of their respective counties; to provide that all fees, charges and commissions taxable and collected as sheriffs' fees, charges or commissions, be paid into the county treasury, including fees for feeding prisoners, to be paid into the general fund of said county; to provide for the payment of the expenses of the offices of said sheriffs, including the costs of supplying and maintaining automobiles used by them in their official business, and authorizing the boards of revenue or other like governing bodies to appropriate the necessary money for such expenses, and to regulate the expenditure of same; authorizing the sheriffs of said counties to employ attorneys to advise and represent them, to be paid out of the county treasury; abolishing insofar as it relates to said counties sheriffs' fees provided for in section 6717 of the Code of Alabama of 1923, and providing that the sheriffs of said counties shall furnish bailiffs required in section 6716 of the Code of Alabama of 1923; to provide that said counties shall not be liable for the acts or omissions of said sheriffs or any of their deputies, jailers, guards or other employees; to repeal all laws and parts of laws which as applied to said counties are in conflict with the provisions of this Act; and providing when and how said Act shall become effective.

H. 1062. To create and establish boards to be known as Boards of County Commissions in and for all counties in the State of Alabama which now have or which may hereafter have a population of not less than fifty five thousand five hundred, and not more than sixty three thousand, according to the last or any subsequent federal census, in the place of boards of revenue, courts of county commissioners or other like governing bodies now existing in said counties, and abolishing said boards of revenue or other like governing bodies, and providing for the election of said boards by the qualified electors of the county in which they are created, and for the election of a chairman of said commissions; defining the juris-

diction of said county commissions, and fixing their compensation, and conferring upon said county commissions all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue or other governing bodies of like kind and authority in the State of Alabama; and providing for the election of the successors of said commissions, for the appointment of a secretary of said commissions, and fixing his salary, and providing the date when said commissioners shall take office.

H. 1066. To authorize the creation and establishment of Public Utility Boards in all cities of the State of Alabama with a population of not less than twenty-two thousand and not more than forty thousand according to the last or any subsequent federal census; to define and provide the power and authority of said boards in and about the operation and conduct and maintenance of each and every public utility which is now or may hereafter be owned or operated by said cities; to provide for the election of the members of said Public Utility Boards, and the filling of vacancies thereon, and to determine the qualifications of the members of said boards; to define and provide for the duties, power and authority of said Public Utility Boards and to provide for the meetings and functioning thereof; to provide for the appointment, selection, qualifications and employment and discharge of all employees engaged in the operation, conduct or maintenance of every public utility which now is or may hereafter be owned or operated by said cities; to provide for the adoption of policies and regulations by said Boards with regard to the operation, conduct or maintenance of each and every public utility which is now or which may hereafter be owned or operated by said cities; and to provide for the removal and impeachment of members of said Public Utility Boards.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1067. To provide that all fines and forfeitures imposed or incurred for a violation of the provisions of an Act entitled "The Alabama Highway Code", approved August 23, 1927, and an Act entitled "An Act defining motor transportation companies and "motor transportation operators", conferring jurisdiction upon the Alabama Public Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violations thereof", approved June 19, 1931, and an Act entitled "An Act to regulate and limit the use

of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency", approved October 6, 1932, and an Act entitled "An Act defining contract carriers and common carriers by motor vehicles not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize regulate and govern the transportation for hire of persons and property on public highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions in like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act", approved October 28, 1932, and an Act entitled "An Act to prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act", approved March 4, 1937, or any Acts amend-

atory thereof, shall, when collected, be covered into the State Treasury to the credit of the Highway Patrol Fund to be expended as the other moneys in said Fund.

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 302. To appropriate moneys for the retirement of the public debt of the State of Alabama, including moneys for sinking funds on outstanding highway bonds, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the principal on Harbor Improvement Bonds as they severally mature, for each of the fiscal years ending respectively, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943.

S. 494. To amend Subsection 11 of Subdivision XIII of Section 2 of an Act entitled "An Act to make appropriations for the ordinary expenses of the executive and judicial departments of the State, for the interest on the public debt, and for the public schools," approved August 24, 1939.

Mr. Hall, Chairman of the Standing Committee on Local Legislation #1, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

S. 179. To allow the Sheriff of Marshall County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Marshall County in monthly installments.

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama.

H. 846. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act.

H. 1039. To prescribe the powers and duties of the school trustees for Marion County, Alabama.

H. 1057. To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.

H. 1059. To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

H. 1061. To fix the compensation or salary to be paid the Judge of Probate of Morgan County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants, and other expenses in the Probate Office of Morgan County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Morgan County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies, and other clerical assistants, and other office expenses, out of the funds of Morgan County, and to provide rules and regulations for the management and operation of such office, made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect.

H. 1063. To provide for the establishment of the Mobile County Text Book Commission, its membership, duties and functions; to provide for the appropriation by the City of Mobile and County of Mobile governing bodies of certain sums yearly for the purchase of text books; to provide for the purchase and distribution of said text books; to provide for certain powers of said commission and penalty for their failure to act; to provide for the compensation of said Commission.

H. 1064. To further regulate the office of Circuit Solicitor in the several judicial circuits of the State of Alabama composed of one county and having more than two and less than five circuit judges; to further fix and regulate the compensation of said circuit solicitors, to prohibit all such circuit solicitors from engaging in the practice of law directly or indirectly in any of the courts of the State of Alabama or of the United States, or in any other manner or form whatsoever, except in the performance of their official duties as such solicitors; to provide for furnishing by the State the

necessary stationery, telephones, stamps, supplies, and equipment to each of the several solicitors; to require the county governing body of each county in which any such solicitor is a resident, to provide adequate office space or rooms for use as offices by such officers; to fix the salaries of such solicitors and to make provision for the payment of such salaries as well as the expenses authorized hereunder, and to provide for the effective date of this Act, and to repeal all laws, general local and special, and parts of such laws in conflict herewith.

H. 1068. To authorize, permit, and allow the Board of Revenue of Tuscaloosa County, Alabama, to authorize the installations and use of voting machines throughout said County or in one or more beats thereof, in all elections, general special or primary, to be thereafter held in said County, without submitting the question as to whether or not said voting machines shall be used in said elections to the vote of the electors of said County; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by the said Board of Revenue and used throughout said County or in the beat or beats thereof for which such voting machines are acquired in all said elections thereafter held in said County in conformity with and subject to the general laws of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

H. 1069. To provide that in all counties in this state which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such county shall pay the sum of Twelve Hundred Dollars (\$1200.00) per annum in equal monthly installments out of the general funds of such counties to the person designated by the Sheriffs in such counties as his official attorney; to provide that the Sheriffs in such counties may designate and appoint the attorney to represent him in his official capacity as such Sheriff; to provide that such attorney may be discharged at the will of such Sheriff; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

H. 1070. To provide that in all counties in this state which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such county shall pay, out of their respective county treasuries, the premiums on the official bonds of the sheriffs in such counties as well as the

premiums on the official bonds of the deputies, clerks and employees of such sheriffs; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 1053. To provide that in all counties of this State which now have or may hereafter have a population of more than 300,000 according to the last or any subsequent Federal Census, the Judge of the Probate Court of such counties may try inquisitions of lunacy with or without a jury; and to further provide that when a jury is demanded in such proceedings, said jury shall be impaneled in the same manner as is now provided for the trial of a will contest in the Probate Courts of this State.

H. 1054. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of 400,000 or more, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and costs of court for the performance of the duties authorized by this act.

H. 1055. To further regulate and define the power and duties of the County Commissioners in all counties in this State having a population of three hundred thousand inhabitants or more according to the last or any subsequent Federal census; to establish a budget system and provide for the preparation of a budget for each of said counties; to provide that said budgeted current expenses shall not exceed the budgeted income of each of said counties; to provide that the actual payments shall not exceed the actual income and to regulate and restrict the borrowing of said counties.

H. 1058. To create and establish a Public Utility Board in the City of Bessemer, Jefferson County, Alabama; to define and pro-

vide the power and authority of said Board in and about the operation and conduct and maintenance of each and every public utility which is now or may hereafter be owned or operated by said City of Bessemer; to provide for the election of the members of said Public Utility Board, and the filling of vacancies thereon, and to determine the qualifications of the members of said Board; to define and provide for the duties, power and authority of said Public Utility Board and to provide for the meetings and functioning thereof; to provide for the appointment, selection, qualifications and employment and discharge of all employees engaged in the operation, conduct or maintenance of every public utility which now is or may hereafter be owned or operated by said City of Bessemer; to provide for the adoption of policies and regulations by said Board with regard to the operation, conduct or maintenance of each and every public utility which is now or which may hereafter be owned or operated by said City of Bessemer; and to provide for the removal and impeachment of members of said Public Utility Board.

Mr. Quarles, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Welch:

H. J. R. 127. RESOLVED BY THE HOUSE, the Senate concurring, that the Secretary of State and the Doorkeeper of the House and the Doorkeeper of the Senate be and they are hereby relieved of all liability and responsibility for the Codes placed on the desks of the several members of the two houses for their use during this session of the Legislature.

On motion of Mr. Welch the rules were suspended, and the H. J. R. 127 was adopted.

By Rules Committee:

H. R. 128. Making certain bills special, paramount, and continuing orders for the forty-seventh legislative day.

And the H. R. 128 was adopted.

REPORT OF RULES COMMITTEE

Mr. Merrill, Chairman of the Standing Committee on Rules, returned to the House from said committee, the following resolutions with a favorable report:

By Mr. Welch:

H. J. R. 124. Relative to binding the Acts of the Legislature, session 1939, in paper for the use of members of the Legislature and others.

And the resolution was adopted.

By Mr. Quarles:

H. R. 125. Expressing the thanks and appreciation of the Legislature to Tom Whitby, Highway Patrol Officer, for his efficient, courteous, and meritorious treatment of the members of the Legislature while serving as such officer during the session of the Legislature.

And the resolution was adopted.

The following resolution was introduced:

A RESOLUTION

By Mr. Bagley:

H. R. 129. BE IT RESOLVED by the House that at 6:00 o'clock p.m. the pages be allowed one-half hour and that they shall perform the duties of some of the representatives.

BE IT FURTHER RESOLVED that the pages shall be allowed to pass bills of their own and perform the same duties as the house. That the pages shall elect a Speaker and a Reading Clerk and that certain pages will act as certain Representatives.

On motion of Mr. Bagley the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment.

S. 505. To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in the sum of \$2000.00 payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice of the intention to apply for Local Act for Randolph County Alabama.

Notice is hereby given that an application will be made to the Legislature of the State of Alabama, after this notice has been published for once a week for four consecutive weeks in the Randolph Press, a newspaper published in Randolph County, Alabama for the passage of a local act for Randolph County, Alabama, in words and figures substantially, as follows:

AN ACT

To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in

the sum of \$2000.00 payable to the Sheriff, with conditions as required by Section, 2595 of the Code of Alabama, 1923.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section one. That the Sheriff of Randolph County, Alabama, is hereby authorized and empowered to appoint an additional deputy to the deputy now provided by law, which said deputy shall receive a salary of Six Hundred Dollars per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy shall be eligible to perform the duties of Deputy Sheriff anywhere in said County.

SECTION TWO:

That on the first day of Each month a statement of the name and amount due said deputy sheriff shall be furnished to the Commissioners Court by the sheriff and it shall thereupon be the duty of said Court to order a warrant drawn upon the General Funds of the said County payable to said deputy sheriff for the amount of Fifty Dollars, the amount of one months salary as hereabove provided.

SECTION THREE

That said Sheriff may require such deputy to make bond payable to himself, in the sum of Two thousand dollars as required by Section 2595 of the Code, 1923.

SECTION FOUR:

All laws or parts of laws both local and general in conflict with the provision of this act are hereby repealed insofar as they relate to Randolph County, Alabama.

SECTION FIVE

That this act shall go into effect upon the approval by the Governor. This August, 9, 1939. 11-18-25-1

PUBLISHER' AFFADAVIT

The State of Alabama,
Randolph County.

I, R. H. Kerr, publisher of The Randolph Press, a weekly newspaper published in Randolph County, Alabama, hereby certify that a notice of intention to apply for local legislation was published in said newspaper for four consecutive weeks, namely:

August 11, 1939.

August 18, 1939.

August 25, 1939.

September 1, 1939.

And I further certify that the attached clipping is a true and correct copy of said notice.

R. H. KERR,
Publisher.

Sworn to and subscribed before me this 4 day of Sept, 1939.

J. F. ANDERSON,
Circuit Clerk.

(Seal)

Also:

S. 503. To define, regulate and license barbers and barber shops in Marshall County, Alabama, and to create a Barbers Commission for said County, and to provide a penalty for the violation of the provisions hereof.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

An Act to define, regulate and license barber shops in Marshall County, Alabama, and to create a Barbers Commission for said County, and to provide a penalty for the violation of the provisions hereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: That after the passage of this Act it shall be unlawful for any person, partnership, association, or corporation to act as a barber, operate a barber shop, without a license issued by the Barbers Commission of Marshall County, and no license shall be granted to any person, partnership, association, or corporation to operate a barber shop unless every member or officer of the same who actively engages in such work shall hold a license as a barber as hereinafter provided for.

SECTION 2: A barber or barber shop within the meaning of this Act is any person, firm, partnership, association or corporation who for a valuable consideration, hire or reward, shaves or trims the beard, gives facials or scalp massages, or treat the same with oil or other preparations, singes, shampoos cuts or dyes the hair of a human being; provided, however, the provisions of this Act shall not apply to persons engaged in the practice of medicine, surgeons or beauty culture, or those engaged in the operation of beauty parlors as the same are ordinarily operated and conducted for females only, persons actively engaged in the military service of the United States Government while in line of duty, registered nurses in the course of their employment as such.

SECTION 3: There is hereby created a Barbers Commission for Marshall County. The Court of County Commissioners of Marshall County shall appoint three persons on said Commission, each of whom immediately prior to the date of his appointment has been a resident of the State for three years and of Marshall County for at least one year, and who has had at least five years experience as a barber. One member shall be appointed for a term of one year; one for two years, and one for three years, and they shall serve until their successors are appointed and qualified. Thereafter the term of the members of said Commission shall be for three years and until their successors are appointed and qualified. No two Commissioners shall reside in the same city, town, or village of said County. Vacancy shall be likewise filled. The Commission shall elect one of its members as Chairman and one as Secretary-Treasurer. The members of the Commission shall serve without pay. The Commission shall appoint an Inspector-Examiner whose duties shall be outlined by the Commission and whose compensation shall be fixed by the Commission not to exceed \$7.50 per day. Record books blanks and stationery shall be provided by the Commission as hereinafter provided. The Commission shall adopt a Seal with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Certified copies of records, papers or proceeding authenticated by the Seal shall be received in evidence in all courts with like effect as the original. Records of the office shall be open to reasonable public inspection. All fees and commissions or charges collected by the Commission shall be deposited by the Treasurer to the account of the Commission, and shall be paid out only on the order of the Commission spread upon its minutes. All expenses incurred by the Commission shall be paid only out of said fund upon checks signed by the Chairman

of the Commission and the Secretary-Treasurer, after first having been authorized by a vote of the Commission, and the total expenses of the operation of the Commission shall not exceed the fees and charges collected by it, or donations made to the Commission. All monies remaining in the fund at the end of any fiscal year shall remain for like purposes for the next fiscal year.

SECTION 4: A license shall be granted only to persons of good moral character, who have an elementary education, or its equivalent, at least 18 years of age, have practiced as an apprentice for a period of at least one year, and have passed a satisfactory examination conducted by the Commission; provided, however, any person or persons engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber, provided he is 17 years of age, and has an elementary school education or its equivalent, upon successfully passing said examination for licensing a barber as herein set out; provided, however, that any person upon the passage of this act who is engaged in such business as a barber and who has been so engaged for a period of two years next preceding, shall be licensed if he can pass the physical examination herein required without any further examination.

SECTION 5: Every applicant for barber's license, apprentice barber's license, or for a license to operate a barber shop shall apply therefor in writing on blanks prepared or furnished by the Commission. It shall be accompanied by the recommendation of at least two barbers of said County not related to the applicant, certifying that he is of good moral character, qualified to practice the trade of barbering and recommending a license be granted. The application shall be accompanied by the application fee hereinafter provided, and a certificate from the County Health officer, or a reputable, licensed, practicing physician of the County, certifying that the applicant has no commutable or contagious or infectious disease. If the application is in proper form and the applicant successfully passes the reasonable examination herein required and pays the fee, the license shall be granted. If not, it shall be denied, and if denied an appeal may be had to the Circuit court of said County. The license shall be in such form as the Commission may prescribe, and shall have placed on it the Seal of the Commission, and shall be displayed at all times by the holder at his place of business. The Commission shall have authority to pass reasonable rules and regulations not in conflict with this Act. The original fee for each barber's license shall be \$15.00, and the annual renewal fee shall be \$15.00. The original fee for each person to operate a barber shop shall, in addition to the fee hereinbefore provided, be \$2.50 for each chair maintained, and a renewal fee of \$1.00 for each chair maintained. Every license shall expire on the 30th day of September of each year. The Commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of the granting of a license upon the written request of the applicant for a renewal accompanied by the annual fee therefor, and accompanied by the physicians certificate above provided. All barbers and all barber shops shall be required to obey all of the State laws and all of the rules and regulations promulgated by the State Health Department with reference to sanitation, and anyone failing or refusing to do so, and any barber who contracts a commutable contagious or infectious disease shall upon a notice served upon him by the Examiner-Inspector and after hearing on five (5) days notice have his license suspended for such time as the Commission may suspend it, and at least until such time as he shall have complied with such laws, rules and regulations, and until such time as he is free from commutable, contagious or infectious diseases, and for the third offence shall have his license permanently revoked and when revoked shall not again be renewed for a period of twelve months. Such license may be revoked at any time where they have been fraudently procured

or obtained. Such license may be revoked or suspended at the option of the Commission after hearing for a violation of a reasonable rule or regulation established by the Commission. Before suspending or revoking a license the matter must be set down for hearing and at least five (5) days prior to the date of the hearing, the applicant or licensee must be notified in writing of the same, which notice shall contain an exact statement of the charges made and the date and place of hearing. The applicant shall be heard in person or by attorney. The notice shall be served in person by the Examiner-Inspector who shall make his return thereon to the Commission. All hearings, preparations for hearings, shall be conducted by the Commission who shall have power to require by subpoena the attendance of witnesses and the production of papers. Any member of the Commission may sign subpoenas, administer oaths or examine witnesses. A party to a hearing shall have the right to the compulsory attendance of witnesses in his behalf, and the Commission shall have the authority to punish for contempt before it. Any person refusing to appear and give testimony before the Commission shall be guilty of a misdemeanor and upon conviction thereof be punished as prescribed by law. The findings of the Commission may be appealed to the Circuit Court of said County, provided an appeal is taken within thirty days after the final determination of the Commission. A trial by jury will be had in all cases appealed from the decision of the Commission. An appeal may be taken by executing a bond in the sum of \$500.00 to be approved by the Commission with good surety guaranteeing the payment of the cost on the appeal in case the appellant should lose on the appeal, and conditioned to pay all damages that any person or persons may suffer as a result of said appeal. The case shall be tried de nova in the Circuit Court. Examinations shall be conducted at least quarterly by the Commission in case any applications are on file. The Commission shall maintain an office at the County seat. It shall be the duty of the County Solicitor of Marshall County upon request of the Commission to attend any hearing herein provided for and fix all papers requested by the Commission without charge.

SECTION 6: Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than \$500.00 or by imprisonment in the County Jail, or sentenced to hard labor for not more than six (6) months one or both, at the discretion of the Court or Jury hearing the case. Any Court of competent jurisdiction shall have power to try violation of this Act and upon conviction for violation of this Act the Court may at its discretion revoke the license of the person convicted. The Commission before taking over its duties shall take the oath provided by law required of elective officers of the State.

SECTION 7: This Act shall not effect the power of the State, County or municipality to otherwise license or tax barbers or barber shops as now or hereafter provided by general state law.

SECTION 8: If any section or provision of this Act is held to be unconstitutional such unconstitutionality shall not effect the remaining provisions of this Act.

Section 9: This Act shall become effective on its passage and approval by the Governor.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
MARSHALL COUNTY.

Before me, the undersigned authority, personally appeared J. J. Benford, who being first duly sworn deposes and says: That he is the owner and publisher of the Albertville Herald, a newspaper of general circulation pub-

lished in Albertville, Marshall County, Alabama; The affiant further deposes and says that the Act hereto attached and marked Exhibit "A", was published in the said Albertville Herald, a newspaper of general circulation published in the City of Albertville, Marshall County, Alabama, once a week for four consecutive weeks, on, to-wit, the dates of August the 11, 18, 25, and September 1st., 1939, said publication having been made without cost to the State.

J. J. Benford,

J. J. BENFORD,

Owner and Publisher of the Albertville Herald.

Sworn to and subscribed before me this the 1st day of September, 1939

O. H. FINNEY, JR.,

(Seal)

Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation No. 1—S. 503; S. 505.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House.

H. 847. To amend An Act entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such Bridge, and to contract with such Commission with reference thereto.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Langan moved that the House non-concur in the Senate amendment to the bill, H. 847, said senate amendment being as follows:

Amend House bill 847 by amending subsection (o) of Section 3 thereof by adding thereto the following words "not to exceed ten thousand dollars per annum" following the words "for such purpose any funds" and before the words "available to said" where they appear in said subsection (o) of Section 3.

Amend House Bill 847 as follows:

(1) Amend the title of said bill by changing the words "such Bridge" where they appear together in said title to read "such Bridges".

(2) Amend the title of said bill by changing the period at the end thereof to a semicolon, and by adding thereafter the following: "and to ratify the change heretofore made in the name of the corporation organized pursuant to said act."

(3) Amend Section 1 appearing in quotations within Section One of said bill as follows:

(a) Strike out the words "any one Bridge, or more than one, as such terms are defined", where they appear together in said section and insert in lieu thereof the words "any Bridge, as such term is defined".

(b) Strike out the words "and said Commission is authorized to operate and maintain any such Bridge for toll until the cost of the construction, reconstruction, maintenance and operation thereof, and the principal of and interest upon the bonds issued for the construction of such Bridge shall have been paid in full, including reimbursement to the State Highway Department for any contributions or expenditures made by it in aid of the construction, reconstruction, maintenance or operation of such Bridge, after which said Bridge shall be operated free of toll", where they appear together in said section and insert in lieu thereof the following words: "and said Commission is authorized to operate and maintain any such Bridge for toll until the principal of and interest upon the bonds issued for the construction or reconstruction thereof shall have been paid in full, and until the cost of the construction or reconstruction thereof, including reimbursement to the State Highway Department or any other departments, agency or instrumentality of the State for any contributions or expenditures made by said Department or department, agency or instrumentality during the period in which any of the aforesaid bonds remain outstanding and unpaid, in aid of the construction, reconstruction, maintenance or operation of such Bridge shall have been paid in full; after which such Bridge shall be operated free of toll".

(c) Strike out the words "all funds applicable to the payment of said bonds, or the maintenance and operation of said Bridge" where they occur together in said section and insert in lieu thereof the words "all funds applicable to the payment of said bonds, and all funds applicable to the maintenance and operation of said Bridge".

(d) Strike out the word "testify" where it appears in said section and insert in lieu thereof the word "certify".

(e) Strike out of said section the word "lend" where it appears in said section and insert in lieu thereof the word "lead".

(4) Amend Section 2 appearing in quotations within Section One of said bill as follows:

(a) Strike out the sentence in said section beginning with the words "The term 'Bridge' as used in this Act" and ending with the words "in accordance with the designation thereof", and insert in lieu thereof the following: "The term 'Bridge' as used in this Act shall include any one or more of the following, together with approaches and appurtenances thereto, namely: bridges, draw-bridges, causeways, fills, trestles and connecting roadways or highways, which together form or comprise any one undertaking, which may be designated by the Commission (with the approval of the State Highway Department) as forming or comprising any one Bridge, which may be constructed or reconstructed, maintained and operated by the Commission across any river or rivers in the State of Alabama or from any designated point on the mainland of the State of Alabama to any other designated point on said mainland, or on any island forming a part of the State of Alabama, over and across any river or rivers or body or bodies of water separating such designated point on the mainland of the State of Alabama from any other such designated point on such mainland or on any island forming a part of the State of Alabama, and over and across any island or islands, marsh or marshes, shoal or shoals, or reef or reefs intervening between said mainland and the other designated point on such mainland or on the island upon which such Bridge is to terminate, in accordance with the designation thereof."

(5) Amend Section 3 appearing in quotations within Section One of said bill as follows:

(a) Amend sub-paragraph (h) of said Section 3 to read as follows: "(h) to construct or reconstruct or maintain and operate any such Bridge;"

(b) Amend sub-paragraph (k) of said Section 3 to read as follows: "(k) to permit any person, firm or corporation to construct and maintain over, under, across or along any Bridge, telephone, telegraph or electric wires and cables, gas mains, water mains and other mechanical equipment not inconsistent with the appropriate use of such Bridge;"

(c) Amend sub-paragraph (o) of said Section 3 to read as follows: "(o) to enter into any contract or agreement with the State Highway Department, or any other Department, agency or instrumentality of the State, which may be deemed necessary or advisable by the Commission to aid in the construction or reconstruction or maintenance and operation of any such Bridge; and the State Highway Department is hereby expressly authorized and given full power to enter into and perform such a contract or contracts or agreement or agreements with the Commission, including the right to use for such purpose any funds available to said State Highway Department for the construction of roads and bridges in this State, or for the maintenance of roads and bridges in this State, or for the construction or reconstruction or maintenance and operation of roads and bridges in this State, whether or not operated for toll, provided, however, that any such contract authorized under the terms of this sub-paragraph shall be subject to the approval of the Governor;"

(6) Amend Section 4 appearing in quotations within Section One of said bill as follows:

(a) Strike out the words "or instrumentality" where they occur together in said section.

(b) In the second sentence of said Section 4, strike out the word "corporation" and insert in lieu thereof the word "Commission".

(c) In the third sentence of said section, strike out the word "such" and insert in lieu thereof the word "each".

(7) Amend Section 5 appearing in quotations within Section One of said bill as follows:

After the words "and may designate" and before the words "and provide" as they appear in sub-paragraph (k) of said Section 5, insert the words "a trustee".

(8) Amend Section 6 appearing in quotations within Section One of said bill as follows:

(a) In the first sentence of said Section 6, insert a comma after the words "shall have the right" and before the words "subject to", where they appear together in said section.

(b) Strike out the words "the valid and binding provisions of" where they appear together in said section.

(c) Strike out the words "the valid provisions of" where they occur together in said section.

(d) Strike out the words "the valid terms and provisions of" wherever they occur together in said section.

(e) Amend sub-paragraph (b) of said Section 6 to read as follows: "(b) by action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of any such bondholder;"

(f) In sub-paragraph (d) of said section, change the word "bridge", where it appears therein, to read "Bridge".

(g) In sub-paragraph (e) of said section, change the word "bond", where it appears therein, to read "bonds".

(h) Strike out the following words: "any funds available for such purpose" where they appear together in sub-paragraph (f) of said section and insert in lieu thereof the following words: "any funds available to such department, agency or instrumentality for the construction, reconstruction, maintenance or operation of roads and bridges in the State".

(9) Amend Section 12 appearing in quotations within Section One of said bill as follows:

Change the first sentence of section to read as follows: "The State of Alabama does pledge to and agree with the holders of any bonds issued pursuant to this Act that the State will not limit or alter the rights hereby vested in the Commission to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation and to fulfill the terms of any agreements made with or for the benefit of the holders of the bonds, or as security for said bonds, or in any way impair the rights and remedies of bondholders, under any law or laws, or under any obligation or obligations or contract or contracts made or entered into by or for the benefit of the bondholders with the Commission or with the State Highway Department or with any other department, agency or instrumentality of the State; or under any other obligation or obligations or contract or contracts made or entered into by or for the benefit of the Commission with the State Highway Department, or with any other department, agency or instrumentality of the State; until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders, are fully met and discharged."

(10) Amend Section 14 appearing in quotations within Section One of said bill as follows:

Strike from said Section 14 the words "Without in any way limiting the generality of the foregoing, it is the intent and purpose of this Act that," and by changing the word "as" immediately following such stricken words to read "As".

(11) Amend said bill by adding another section thereto to be inserted between Section Two and Section Three and to be numbered Section Two and One Half, to read as follows: "Section Two and One Half. The change heretofore made in the name of the corporation incorporated pursuant to the Act mentioned in the title and in Section 1 of this Act (which change consisted in changing the name of said corporation from "Highway Bridge Corporation,

Inc." to "Alabama Bridge Commission (An Agency of the State of Alabama)"), is hereby expressly ratified."

(12) Amend Section 9 appearing in quotations within Section One of said bill as follows:

Add at the end of said Section 9 the following:

"Any such action and any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County, Alabama, In Equity."

(13) Amend Section 13 appearing in quotations within Section One of said bill as follows:

After the word "hereafter" and before the word "appropriated", appearing in said Section 13, insert the word "be".

(14) Amend Section 6, appearing in quotations within Section One of said bill, as follows:

In sub-paragraph (f) of said Section 6, after the words "officers thereof" and before the words "exercising supervision", insert the words "or any officer or officers".

Mr. Hardwick moved as a substitute for the motion of Mr. Langan that the House concur in the Senate amendment to the bill H. 847.

On motion of Mr. Langan the motion of Mr. Hardwick to concur in the Senate amendment to the bill, H. 847 was tabled.

Yeas, 41; Nays, 40.

Yeas:

Mr. Speaker	Devers	Langan	Pitts
Bagley	Ellis	Langley	Sadler
Barnes	Flowers	Meggins	Segrest
Beck	Garrett	Miller	Sessions
Boswell	Golson	McDanal	Snyder
Brown (Lee)	Graves	McGowin	Taylor
Castleberry	Gwin	Neighbors	Thomas
Chewning	Hodo	Norman (Bullock)	Tucker
Cobb	Jones	Payne	Wallace
Collier	Kaul	Phillips	Welch
Cook			

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Nays:

Messrs.:	Hardwick	Norman (Lowndes)	Spence
Ball	Hare	Owens	Stallings
Brown (Covington)	Haynes	Peacock	Tidmore
Carwile	Henson	Petrey	Walden
Christopher	Hill	Quarles	Waldrop
Delony	Locke	Robertson (Cullman)	Weston
Dobbs	Martin	Sanderson	Whigham
Dominick	Matthews (Jackson)	Scott	White
Doster	Nation	Sherrer	Wood
Green	Newman	Sightler	Young
Hall			

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PAIR ANNOUNCED

The following pair was announced: Yea—Stone; Nay—Gewin.

And the motion of Mr. Langan to non-concur in the Senate amendment to the bill, H. 847 prevailed.

On motion of Mr. Langan a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 847.

The Speaker of the House named as the Committee of Conference on the part of the House Messrs: Langan, Beck and Gewin.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House.

H. 738. To better provide for the election, selection, and appointment of judges of Inferior Courts created in lieu of Justices of the Peace, and other like or similar courts, by whatever name called.

Also:

H. 849. A bill to be entitled An Act to submit to the qualified electors of the State of Alabama, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to fix the salaries of the following named County Officers of Dallas County subject to the provisions of Section 281 of the Constitution of Alabama as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the

methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment, costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as herein set forth, viz:

"The salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net; the Tax Assessor of Dallas County \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers, and to require the covering of all fees, allowances, and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the method and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment,

costs, charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration, together with the proposed amendment.

Section 3. That, at an election to be held at the general election next succeeding this session of the Legislature after the expiration of three months after the final adjournment of the present regular session of the 1939 regular session of the Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballot used at such election shall be printed the following, viz:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

The Salaries of the following named County Officers of Dallas County, subject to the provisions of Section 281 of the Constitution of Alabama are fixed as follows: Judge of Probate of Dallas County, \$6,000.00 per annum net, the Tax Assessor of Dallas County, \$5,000.00 per annum net, the Tax Collector of Dallas County, \$5,000.00 per annum net, the Sheriff of Dallas County, \$4,800.00 per annum net, which amounts shall be in lieu of all compensations and allowances to the respective named officers; and to require the covering of all fees, allowances and commissions of the above named County Officers into the general fund of Dallas County; to authorize the payment of the above named salaries in monthly installments from the General Fund of Dallas County; and to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the expenses of office, the salaries, compensation, allowances, and employment of employees in the above named offices, including the methods and basis of their compensation. This shall not interfere with the amounts now or hereafter allowed the Sheriff for guards at the County Jail or Bailiffs for Courts, nor with the provisions for feeding prisoners. The Sheriff shall receive amounts now provided by law, and shall cover the same into the General Fund of Dallas County, and the Board of Revenue of Dallas County shall pay out of the General Fund of Dallas County the expenses incurred by the Sheriff in feeding prisoners.

The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the employment,

costs charges of court, salaries, fees, commissions, allowances and compensation received by all other County Officers of Dallas County, including the method and basis of the compensation of such officers.

Yes.....

No.....

The choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and Counted in the same manner as in election for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 1000. To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected.

Also:

H. 596. To repeal an Act passed by the Legislature of Alabama, approved October 12, 1932, entitled "An Act To Provide For The Employment of Four Prison Guards For The Mobile County Jail By The Sheriff Of Mobile County To Perform Such Duties At The Jail As May Be Assigned To Them By The Sheriff; To Fix their Compensation And Provide For Payment Of Same Out Of The County Treasury And To Provide That All Laws, General, Local, Or Private, And All Parts Of Any Such Laws In

Conflict With The Provisions Of This Act Are Hereby Repealed; And To Provide That This Act Shall Take Effect Immediately Upon Its Passage and Approval", and to provide that this Act shall take effect immediately upon its passage and approval.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House concurred in and adopted the Senate amendment to the bill, H. 738, said Senate amendment being as follows:

Amend House Bill 738 by adding thereto Section 4, to read as follows:

"Section 4. The provisions of this Act shall apply only to counties which have, according to the last federal census, a population of 400,000 or more, or which may come into that population class by any subsequent federal census."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	McCord	Smyer
Ball	Graham	McDanal	Snyder
Barchard	Graves	McGowin	Spence
Barnes	Gwin	Nation	Stallings
Beck	Hall	Payne	Stone
Brown (Covington)	Hardwick	Peacock	Taylor
Brown (Lee)	Hare	Petrey	Thomas
Carwile	Haynes	Pitts	Walden
Christopher	Henson	Pool	Waldrop
Clayton	Hodo	Quarles	Wallace
Cobb	Kaul	Robertson (Cullman)	Waller
Davis (Madison)	Langan	Robinson (Lowndes)	Welch
Dearman	Lovelace	Robinson (St. Clair)	Weston
Delony	Mayhall	Sadler	Whigham
Flowers	Meggins	Segrest	White
Garrett	Miller	Sessions	Wood
Gewin			

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On motion of Mr. Quarles the House concurred in and adopted the Senate amendment to the bill, H. 849, said Senate amendment being as follows:

Substitute for H. 849, by Mr. Thomas.

A BILL

To be entitled An Act to submit to the qualified electors of the State of Alabama at the next general election after the expiration

of three months from and after the final adjournment of the present session of the Legislature, for their consideration, an amendment to the Constitution of the State of Alabama, fixing the salaries to be paid to the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk, Register in Chancery, and members of the county governing body of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama; to require the said officers to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury of Dallas County, Alabama; to authorize and require the payment of the salaries of the above named officers in monthly installments out of the county treasury of Dallas County, Alabama; to make provision for the employment and the payment of the compensation of the employees in said offices; to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation; and to authorize and empower the Legislature of Alabama hereafter, from time to time, but subject to the provisions of Section 281 of the Constitution of Alabama, by general or local laws, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries, or other compensation received by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered, by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the next general election held after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"The salaries of the following named county officers of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama, are fixed as follows: Judge of Probate, \$6,000.00 per annum net; Tax Assessor, \$5,000.00 per annum net; Tax Collector, \$5,000.00 per annum net; Sheriff \$4,800.00 per annum net; Circuit Clerk, \$2,400.00 per annum net; Register in Chancery, \$1,200.00 per annum net; provided, that if the same person holds the offices of Circuit Clerk and Register in Chancery, the

salary for both offices shall be \$3,000.00 per annum net; members of the county governing body, exclusive of the Judge of Probate, \$600.00 each per annum net. The above named officers are hereby required to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury. This shall include the allowances or amounts received by the Sheriff for feeding prisoners from both the State and Federal Government, and the county governing body of Dallas County, Alabama, shall pay the expenses incurred in feeding such prisoners out of the county treasury, but nothing herein shall be construed as interfering with the allowances or amounts provided by law for guards at the county jail or bailiffs for courts, or preventing the county governing body of Dallas County, Alabama, from making such allowances to the Sheriff and his deputies for transportation on official business, including the purchase of automobiles for such use, as it may deem necessary from time to time. The salaries of the above named county officers of Dallas County, Alabama, shall be paid out of the County treasury in equal monthly installments.

"The employees of said offices shall be selected by the respective officers, and allowances for their compensation shall be as follows:

1. Office of Judge of Probate—\$6,500.00 per annum.
2. Office of Tax Assessor—\$3,600.00 per annum.
3. Office of Tax Collector—\$2,600.00 per annum.
4. Office of Sheriff—\$4,500.00 per annum.
5. Office of Circuit Clerk—\$1,350.00 per annum.
6. Office of Register in Chancery—None.

"The county governing body shall have the same authority in regard to the employment of persons for the county, and the fixing of their compensation, other than the employees in the above named offices, as provided by law. The salaries of the employees in the above enumerated offices shall be paid out of the county treasury in equal monthly installments; provided, however, that no payment of compensation for any such employee shall be made until the employee has actually rendered the service for which the payment is to be made.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix,

regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries or other compensation received by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

"The salaries of the following named county officers of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama, are fixed as follows: Judge of Probate, \$6,000.00 per annum net; Tax Assessor, \$5,000.00 per annum net; Tax Collector, \$5,000.00 per annum net; Sheriff, \$4,800.00 per annum net; Circuit Clerk, \$2,400.00 per annum net; Register in Chancery, \$1,200.00 per annum net; provided, that if the same person holds the offices of Circuit Clerk and Register in Chancery, the salary for both offices shall be \$3,000.00 per annum net; members of the county governing body, exclusive of the Judge of Probate, \$600.00 each per annum net. The above named officers are hereby required to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury. This shall include the allowances or amounts received by the Sheriff for feeding prisoners from both the State and Federal Government, and the county governing body of Dallas County, Alabama, shall pay the expenses incurred in feeding such prisoners out of the county treasury, but nothing herein shall be construed as interfering with the allowances or amounts provided by law for guards at the county jail or bailiffs for courts, or preventing the county governing body of Dallas County, Alabama, from making such allowances to the Sheriff and his deputies for transportation on official business, including the purchase of automobiles for such use, as it may deem necessary from time to time. The salaries of the above named county officers of Dallas County, Alabama, shall be paid out of the county treasury in equal monthly installments

"The employees of said offices shall be selected by the respective officers, and allowances for their compensation shall be as follows:

- "1. Office of Judge of Probate—\$6,500.00 per annum.
2. Office of Tax Assessor—\$3,600.00 per annum.
3. Office of Tax Collector—\$2,600.00 per annum.
4. Office of Sheriff—\$4,500.00 per annum.
5. Office of Circuit Clerk—\$1,350.00 per annum.
6. Office of Register in Chancery—None.

"The county governing body shall have the same authority in regard to the employment of persons for the county, and the fixing of their compensation, other than the employees in the above named offices, as provided by law. The salaries of the employees in the above enumerated offices shall be paid out of the county treasury in equal monthly installments; provided, however, that no payment of compensation for any such employee shall be made until the employee has actually rendered the service for which the payment is to be made.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries or other compensation received by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation.

"Yes (_____)

No. (_____)

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of

the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Doster	Langley	Sadler
Austin	Ellis	Martin	Sanderson
Ball	Flowers	Matthews (Jackson)	Scott
Barchard	Garrett	Mayhall	Segrest
Boswell	Gewin	Megginson	Sherrer
Branyon	Golson	Miller	Sightler
Brown (Covington)	Graham	McCord	Smyer
Carwile	Graves	McDanal	Snyder
Castleberry	Green	McGowin	Spence
Chewning	Gwin	Nation	Tidmore
Christopher	Hall	Neighbors	Toomer
Clayton	Hardwick	Newman	Tucker
Cobb	Hare	Norman (Bullock)	Walden
Collier	Haynes	Norman (Lowndes)	Waldrop
Cook	Henson	Owens	Wallace
Cope	Hill	Peacock	Waller
Davis (Madison)	Hodo	Petrey	Welch
Dearman	Jenkins	Phillips	Whigham
Delony	Jones	Pitts	White
Devers	Kaul	Pool	Wood
Dobbs	Langan	Quarles	Young
Dominick			

—85

On motion of Mr. Gwin the House concurred in and adopted the Senate amendment to the bill, H. 1000, said Senate amendment being as follows:

To amend House bill No. 1000 as follows:

That Section 2 of House Bill No. 1000 be, and the same is hereby amended so as to read as follows:

Section 2. The first License Inspector of said county shall be H. A. McDowell, and his term of office shall begin with the approval of this act and end on the first Monday after the second Tuesday of January, 1943, it being the intention that the term of said office shall expire at the same time the terms of office of the present members of the governing body of Jefferson County expire. In the naming of any successor to the said H. A. McDowell the county governing body of Jefferson County, Alabama, shall be considered the "appointing authority" or the "appointing power" within the meaning of any county wide civil service law now or hereafter in force and effect in said county. The classified service or the provisions of any county wide civil service law now or hereafter in force and effect in said county shall not include the position of License Inspector of said county until the expiration of the term of office of said License Inspector provided for in this act or until the termination of the tenure of the person named in this act

as the first License Inspector. Upon either the expiration of the term of office provided for herein or the termination of the tenure of the person named herein as the first License Inspector (which-ever happens first) the position or office of License Inspector hereby created shall become subject to the classified service and the provisions of the county wide civil service law in effect in said county; provided, however, that if the person named as the first License Inspector under the terms of this act continues to hold such position until the expiration of the term of office heretofore provided for him herein, the county governing body succeeding the present County Commission of said county may appoint the said H. A. McDowell as License Inspector to succeed himself without regard to the provisions of this act or of said civil service law respecting the selection and appointing of personnel in the classified service; and if said H. A. McDowell is so reappointed he shall be deemed to have earned permanent civil service status and he shall thereafter hold said office subject to the provisions of any county wide civil service act then in force in said county. During the term of office heretofore specified herein and until the end of the first Monday after the second Tuesday of January, 1943, the salary of the License Inspector shall be Three Hundred (\$300.00) Dollars per month, to be paid out of the county treasury in like manner as the salaries of other county officers or employees; thereafter the salary of the License Inspector shall be fixed and provided for in the same way and manner that the salaries of other county employees subject to classified service are fixed and provided for. Any License Inspector holding under the provisions of this act shall, before entering upon the performance of his duties, be required to give a bond for the faithful performance thereof, payable to the State of Alabama, in the sum of Five Thousand (\$5,000.00) Dollars, to be approved by the County Commission or other governing body of Jefferson County, Alabama, said bond to be filed in the office of the Probate Judge of said county.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Brown (Lee)	Gewin	Matthews (Jackson)
Allen	Collier	Golson	Mayhall
Austin	Cook	Graham	Meggins
Bagley	Cope	Graves	Miller
Ball	Davis (Madison)	Green	McCord
Barchard	Davis (Montgomery)	Gwin	McDanal
Barnes	Dobbs	Hall	McGowin
Beck	Dominick	Hill	Nation
Booth	Doster	Hodo	Neighbors
Boswell	Ellis	Jenkins	Newman
Branyon	Flowers	Jones	Norman (Bullock)
Brown (Covington)	Garrett	Kaul	Norman (Lowndes)

Sanderson	Sightler	Stallings	Waller
Scott	Smyer	Stone	Welch
Segrest	Snyder	Waldrop	Weston
Sessions	Spence	Wallace	Whigham
Sherrer			

—65

On motion of Mr. Megginson the House concurred in and adopted the Senate amendment to the bill, H. 596, said Senate amendment being as follows:

Substitute for H. 596:

A BILL

To be entitled An Act to repeal an Act passed by the Legislature of Alabama, approved October 12, 1932, entitled "An Act to provide for the employment of four prison guards for the Mobile County Jail by the sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the sheriff; to fix their compensation and provide for payment of same out of the county treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this Act are hereby repealed; and to provide that this Act shall take effect immediately upon its passage and approval", and to provide that this Act shall take effect immediately upon its passage and approval.

Be It Enacted by the Legislature of Alabama:

Section 1: That the Act of the Legislature of Alabama, approved October 12, 1932, entitled "An Act to provide for the employment of four prison guards for the Mobile County jail by the sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the sheriff; to fix their compensation and provide for payment of same out of the county treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this Act are hereby repealed; and to provide that this Act shall take effect immediately upon its passage and approval", be and the same is hereby repealed.

Section 2: This Act shall become effective on the first day of December, 1940".

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Booth	Christopher	Cope
Bagley	Boswell	Clayton	Dearman
Ball	Carwile	Cobb	Delony
Barnes	Castleberry	Collier	Devers
Beck	Chewning	Cook	Graves

Green	Lovelace	Quarles	Toomer
Gwin	Martin	Robertson (Cullman)	Tucker
Hall	Matthews (Jackson)	Robinson (Lowndes)	Walden
Hardwick	Mayhall	Robinson (St. Clair)	Waldrop
Hare	Meggins	Sadler	Wallace
Haynes	Miller	Sanderson	Waller
Henson	McCord	Sightler	Welch
Hill	McDanal	Smyer	Whigham
Hodo	McGowin	Snyder	White
Langan	Pitts	Stone	Wood
Langley	Pool	Tidmore	Young
Locke			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the bill:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of An Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

And requested Committee on Conference. Messrs. Carlton, Lusk and Simpson were appointed as conferees on the part of the Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 440. The Speaker of the House named as the Committee of Conference on the part of the House, Messrs. Hardwick, Welch and Hare.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House.

H. 710. To further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Section 600-609, inclusive, of the Agricultural Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

Also:

H. 640. To provide for a public corporation for the purpose of assisting county and city boards of education to pay teachers' salaries and other current expenses when the same are due; to prescribe its powers and duties; and to authorize said corporation to borrow money in anticipation of the proceeds of the Minimum Program Fund appropriation and to issue warrants or notes as evidence of the same and to provide for the payment of the principal and interest of said warrants from the Minimum Program Fund.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Martin moved that the House concur in the Senate amendment to the bill, H. 710, said Senate amendment being as follows:

Amend H. B. 710, Section 3, by striking out the words and figures: "Six Hundred Dollars (\$600.00)" and inserting in lieu thereof the words and figures: "Twelve Hundred Dollars (\$1200.00)".

Mr. Norman of Bullock moved as a substitute for the motion of Mr. Martin that the House non-concur in the Senate amendment to the bill, H. 710. On motion of Mr. Ellis, the motion of Mr. Norman of Bullock to non-concur was laid upon the table.

Yeas, 59; Nays, 26.

Yeas:

Mr. Speaker	Delony	Martin	Spence
Bagley	Dobbs	Megginson	Stallings
Ball	Dominick	Miller	Taylor
Barnes	Ellis	Neighbors	Thomas
Beck	Flowers	Owens	Toomer
Boswell	Garrett	Payne	Tucker
Branyon	Golson	Pitts	Waldrop
Brown (Covington)	Graves	Pool	Wallace
Brown (Lee)	Green	Robertson (Cullman)	Waller
Carwile	Haynes	Sanderson	Welch
Castleberry	Henson	Scott	Weston
Chewning	Hill	Segrest	Whigham
Cobb	Jones	Sessions	White
Cook	Langley	Sightler	Wood
Cope	Lovelace	Smyer	

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Nays:

Messrs.:	Hodo	Newman	Sadler
Allen	Kaul	Norman (Bullock)	Sherrer
Austin	Locke	Norman (Lowndes)	Stone
Christopher	Matthews (Jackson)	Peacock	Tidmore
Collier	Mayhall	Petrey	Walden
Devers	McDanal	Phillips	Young
Gewin	Nation	Quarles	

—26

The motion of Mr. Martin to concur in the Senate amendment to the bill, H. 710, prevailed.

Yeas, 56; Nays, 24.

Yeas:

Mr. Speaker	Dominick	Martin	Smyer
Barnes	Ellis	Miller	Spence
Beck	Flowers	Nation	Stallings
Branyon	Garrett	Neighbors	Taylor
Brown (Covington)	Golson	Owens	Thomas
Brown (Lee)	Graves	Payne	Toomer
Carwile	Green	Pitts	Tucker
Castleberry	Gwin	Pool	Waldrop
Chewning	Henson	Robertson (Cullman)	Wallace
Cobb	Hill	Sanderson	Waller
Cook	Jones	Scott	Welch
Cope	Langan	Segrest	Weston
Delony	Langley	Sessions	Whigham
Dobbs	Lovelace	Sightler	Wood

—56

Nays:

Messrs.:	Gewin	McDanal	Sadler
Allen	Hardwick	Newman	Sherrer
Austin	Kaul	Norman (Bullock)	Snyder
Christopher	Locke	Norman (Lowndes)	Tidmore
Collier	Matthews (Jackson)	Peacock	Walden
Devers	Mayhall	Quarles	Young
Doster			

—24

On motion of Mr. Brown of Covington the House concurred in and adopted the Senate amendment to the bill, H. 640, said Senate amendment being as follows:

To amend the caption of House Bill No. 640 by adding thereto the following words: "and to give the State Board of Education power to authorize the corporation to pledge the proceeds of the Minimum Program Fund appropriation for payment of principal of and interest on warrants and notes issued under the provisions of this act."

1. To amend Section 1 of House Bill No. 640 by striking out the words "the Director of the State Department of Revenue" and inserting in lieu thereof the following words: "the Commissioner of the State Department of Revenue."

To amend Section 6 of House Bill No. 640 by striking out the fifth sentence thereof which reads as follows: "The total amount of the outstanding principal of said notes and warrants at any time during any fiscal year shall not exceed forty per cent of the total Minimum Program Fund appropriation for that fiscal year, nor shall the total outstanding principal of and interest on warrants and notes issued by the corporation at any time exceed ninety-one per cent of the remaining unpaid Minimum Program Fund appropriation for that fiscal year," and substituting therefor the following: "The total amount of the outstanding principal of said notes and warrants at any time during any fiscal year shall not exceed forty per cent of the total Minimum Program Fund appropriation for that fiscal year, nor shall the total outstanding principal of and interest on warrants and notes issued by the corporation at any time exceed ninety per cent of the remaining unpaid Minimum Program Fund appropriation for that fiscal year."

To amend House Bill No. 640 by striking out Section 7 and substituting therefor the following:

"Section 7. The principal of and interest on all warrants or notes issued under the provisions of this act shall be payable solely from the proceeds of the Minimum Program Fund appropriation and in order to secure the payment of said warrants or notes, the State Superintendent of Education shall not make requisition on the State Comptroller and the State Comptroller shall not issue warrants disbursing any funds available in the Minimum Program Fund to local boards of education at any time during any fiscal year if the principal of and interest on said outstanding warrants and notes exceeds ninety per cent of the balance of the unpaid Minimum Program Fund appropriation for that fiscal year."

To amend Section 9 of House Bill No. 640 by striking out subsection (b) of Section 9 and substituting therefor the following:

"(b) On or before the twentieth of each month the corporation shall instruct the State Superintendent of Education as to

the disposition of funds available in the Minimum Program Fund appropriation setting forth the amount of said available funds to apportion to local boards of education and the amount to apply to the payment of principal and interest upon outstanding notes or warrants issued by the corporation and thereupon the State Superintendent of Education shall make requisition on the State Comptroller in accordance with the instructions of the corporation provided, however, that the State Superintendent of Education shall not make requisition on the State Comptroller in favor of local boards of education and the State Comptroller shall not issue warrants disbursing any of the Minimum Program Fund to local boards of education nor shall the State Treasurer cash any warrants drawn in favor of local boards of education on the Minimum Program Fund at any time if the outstanding principal of and interest on warrants and notes issued by the corporation exceeds ninety per cent of the unpaid balance of the Minimum Program Fund appropriation for that fiscal year."

To amend House Bill No. 640 by striking out Section 16 and substituting therefor the following:

"Section 16. The corporation may sell its securities at public or private sale. The State Treasurer shall record all warrants or notes issued by the corporation. Warrants or notes issued by the corporation and the interest thereon shall be free from taxation in the State of Alabama. Warrants or notes issued by the corporation shall be eligible as security for deposits of state funds. Purchaser of warrants or notes issued by the corporation must pay for securing any legal opinion desired by the purchaser."

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Martin	Stallings
Austin	Dominick	Mayhall	Taylor
Barnes	Doster	Megginson	Thomas
Beck	Ellis	Miller	Tidmore
Boswell	Flowers	McDanal	Toomer
Brown (Covington)	Garrett	McGowin	Tucker
Brown (Lee)	Golson	Nation	Walden
Carwile	Graves	Robertson (Cullman)	Waldrop
Castleberry	Gwin	Sanderson	Wallace
Christopher	Hardwick	Scott	Waller
Collier	Hare	Segrest	Welch
Cope	Haynes	Sherrer	Whigham
Davis (Madison)	Hodo	Sightler	Young
Delony	Langley	Spence	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House:

H. 590. To amend an act entitled an act to amend and re-enact an act entitled "an act to create in all cities in the State of Alabama which now have or may hereafter have a population of as many as two hundred thousand or more people according to the last or any subsequent Federal census, special funds to be known as Policemen's Pension and Relief Fund, same to be created in connection with the regularly organized and paid Police Department of such cities; to provide for the setting apart of such funds; to create a pension and relief system applicable to members of the Police Department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term service or disability; to provide for the pensioning of members of such Police Department after twenty-five years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children of such members of such Police Department in the event of death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for application to be made by widows and children for benefits; to provide that members receiving benefits shall be bona fide residents of the State in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds, and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of this Act being held unconstitutional, it shall not affect the validity of other sections or provisions; to provide when the Act shall take effect; to provide that all laws, or parts of laws, local, special or general, in conflict with this act, are hereby expressly repealed in so far as they affect this Act." Approved February 16th, 1923" and approved September 29th, 1923.

Also:

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department, and other beneficiaries and as a part of such System, to create a Firemen's Pension and Relief Fund and other pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

Also:

H. 997. To amend and reenact an Act entitled "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund to and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers", approved January 26, 1937.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Snyder the House non-concurred in the Senate amendment to the bill, H. 590, said Senate amendment being as follows:

Substitute for H. No. 590:

A BILL

To be entitled An Act to amend Sections 3, 4 and 18, of an Act entitled "An Act to amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrant against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years of service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the

Act be repealed. Approved February 16th, 1923", which was approved September 29th, 1923.

Be It Enacted by the Legislature of Alabama :

Section 1. That sections 3, 4 and 18 of an Act entitled "An Act to amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Police-men's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrant against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five or which are consecutive years of service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved Feb. 16th, 1923", which was approved September 29th, 1923, be amended so as to read as follows:

SECTION 2. Be it enacted that Section 3 of said Act be amended so as to read as follows:

Section 3. This act shall and does create a relief system which applies to the members of the police departments of such cities, all as is herein set forth; and said policemen's relief funds as provided for and created herein shall be received, obtained and created in each respective such city,—first, by the payment into such funds by the proper authority of such cities, respectively, as may be affected by this Act, monthly, an amount equal to six per centum of the monthly salary of every member of the police department in such city, which six per centum shall be withheld and deducted by the proper authority from the monthly salaries of said members of such department. And shall such fund at any time be insufficient to pay and defray the expenses as provided in this Act, such cities as are thereby affected, respectively, shall appropriate from any funds not otherwise appropriated a sufficient amount to make up such deficit and shall in its budget subsequent thereto provide for a sufficient amount to make up any anticipated deficit in said funds. There shall also be added to said fund a sum to be secured by deducting from the compensation or benefit payable to any retired member of such police department or any person that now or that may hereafter be entitled to any benefit or compensation an amount equal to six per centum of such benefits or compensation each month, which said amounts shall be payable into said policemen's relief funds monthly as deducted.

SECTION 3. That Section 4 of said Act be amended so as to read as follows:

Section 4. It is expressly provided that nothing contained in this Act shall give rise to any vested rights on the part of members of said police department nor contractual obligation on the part of such city; the Legislature does now and forever hereafter reserve the right to change, alter or amend any provision of the law creating this Pension and Relief Fund. No hiring, retiring or other act of the city or of the board in control of said Pension and Relief Fund shall give rise to any fixed or vested rights on the part of the beneficiary or anyone else.

SECTION 4. Be it enacted that Section 18 of said Act be amended so as to read as follows:

Section 18. The provisions of Sections 9, 10, 11, 12 and 13 of this Act shall apply and be effective, and members of the police departments who shall receive the benefits of this Act under any of said Sections 9, 10, 11, 12 and 13 hereof, shall receive such benefits only so long as such members receiving same shall be bona fide residents of the county in which the city is located which creates said fund from which said members, respectively, received such benefits. No person employed after the effective date of this amen-

datory act by any city subject hereto shall be entitled to the benefits nor subject to the burdens hereof. The benefits paid hereunder shall be reduced each month by the amount which the beneficiary receiving same, received during the then last previous month as salary, wages or compensation from any town, city, county of the State of Alabama.

On motion of Mr. Snyder a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the Bill, H. 590. The speaker of the House named as a Committee of Conference on the part of the House Messrs. Snyder, Gwin and Hodo.

On motion of Mr. Snyder the House non-concurred in the Senate amendment to the bill, H. 589, said Senate amendment being as follows:

Substitute for H. 589:

A BILL

To be entitled An Act to amend and reenact the act entitled "An Act to create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such funds; to provide for the raising of such fund and the sources thereof; to provide or the payment into such funds of the

finest prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statement to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the state of Alabama, to provide for verified statements to be made by such property owners, to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectfully under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to pro-

vide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.", approved September 9, 1935.

Be it Enacted by the Legislature of Alabama:

SECTION ONE. That the act entitled "An Act to create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been selected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such funds; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statement to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporation which conduct a fire insurance agency or brokerage business

within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the state of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a proportion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectfully under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of one hundred (\$100.00) dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of. Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical and mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act," approved September 9, 1935, be, and the same hereby is, amended and reenacted so as to read as follows:

Section 1. That in all cities of the State of Alabama, which have a population of as much as two hundred thousand people ac-

cording to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, there is hereby created in connection with the regularly organized and paid fire department of such cities a "board of trustees of the firemen's pension and relief fund," by which name the said board shall be known and called, to be composed as hereinafter provided and to be selected as hereinafter provided and directed; and in all such cities, there is hereby created a firemen's pension and relief fund, for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided.

Section 2. That the said Board of Trustees of the Firemen's Pension and Relief Fund shall be composed of three members, consisting of the president of the Board of Commissioners of such cities or other executive head thereof, and two other members, who shall be selected as hereinafter set forth and provided.

Section 3. That in the event of the Civil Service Board of such cities, as are governed by the provisions of this act, approves any applicant who is over the age of thirty years or any applicant who fails to pass such medical examination, as may be required by the said Civil Service Board, as a member of such fire department, such applicant shall be ineligible to become a member of the pension and relief fund, as provided in this act, or to receive the benefits thereof. Be it further enacted, that in no event shall a pension be paid to an employee of such fire department, who, at the time of his employment, was over thirty years of age, nor to any employee who has failed to pass the medical examination required by the said Civil Service Board; provided, however, that the provisions of this section shall in no way apply to the present members of such fire department, nor shall the provisions of this section, apply, in any way, to any retired member of such fire department or other person who is on the pension list or roll of such fire department at the time of the passage of this act, provided, further, that when a member of such fire department is ineligible to participate in the benefits of said pension and relief fund, by reason of the provisions of this section, neither said member, nor his salary, shall be subject to an assessment for the benefit of said fund.

Section 4. In the event any city, town, suburb or settlement, which has a fire department with paid members, is annexed to or becomes a part of such cities which are governed by the provisions of this act, such paid members shall, within thirty days of such event, be subject to a medical examination which shall be provided by said Board of Trustees of the Firemen's Pension and Relief Fund, and said Board of Trustees shall have the power and authority to determine and declare which of such paid members shall be eligible or ineligible to become a member of the pension and relief fund, as provided in this act, or receive the benefits thereof, and

such determination or decision of said Board of Trustees shall be final and conclusive and shall not be subject to review, except by said Board of Trustees. The right to become a member of the pension and relief fund, or receive the benefits thereof, shall be effective as of the date such eligible paid member is retained or employed as a member of the fire department of such city as is governed by the provisions of this act. In no event shall such paid members who are over the age of thirty years, at the time of such medical examination, or who fail to pass such medical examination, be eligible to become a member of the pension and relief fund, as provided in this act, or to receive the benefits thereof; provided, however, that the provisions of this section shall in no way limit the power of the governing body of such cities which are under the provisions of this act from retaining as members of the fire department of such cities, such members who are over thirty years of age or who fail to pass the medical examination, as herein provided; provided, further, that when such member of such fire department is declared to be ineligible to participate in the benefits of the pension and relief fund, by reason of the provisions herein, neither said member, nor his salary, shall be subject to an assessment for the benefit of said fund.

Section 5. That in all cities governed and coming under the provisions of this act where there is now existing a Board of Trustees of the Firemen's Pension and Relief Fund as created and provided under an existing law of Alabama, the members of such board or boards shall compose the first Board of Trustees in their respective cities under this act and shall continue as such Trustees in their respective cities under the provisions of this act until their successors be elected and qualified, and shall hold and control all moneys, funds and properties of whatever kind and character there may be in or connected with such existing fund for distribution and handling and the uses as provided for herein, and shall administer such additional funds, moneys and property as may be created and come under their jurisdiction as provided for in this act in their respective cities.

Section 6. The chief or other head fireman of such fire department of such respective cities shall not less than ten days before the first Tuesday of each third January after January, 1937, designate a day for holding a convention to nominate a trustee for election as such; and the time for holding such convention shall be fixed not less than five days before the time for holding such election. The delegates to such convention shall consist of one delegate from each fire company in such respective cities, who shall be elected by ballot by the members of such company at the time fixed by the chief or other head fireman of such fire department, in the call for such convention. The election of such delegates

shall be certified by the captain or other officer in charge of such company, and if there be no officer in charge of such company, then by the oldest member thereof present at such convention. Such convention, when convened shall nominate as candidates five members of the fire department to be voted for as such trustee. And the names of the persons so nominated as candidates, shall, by the delegates to such convention, be reported in writing to their respective companies. The said election shall be held at the respective houses or quarters of the respective companies on the day named as aforesaid, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon. Every member of such fire company shall be entitled to one ballot, and every ballot shall contain the names of the candidates so nominated, and each member of the department shall be entitled to vote by placing a cross mark opposite the name of his choice for trustee or trustees. The candidate receiving the highest number of votes for the position in which the term has expired shall hold office as such trustee for three years. The captain or other officer in command of such fire companies, respectively, or if there be no officer in charge thereof, then the oldest member thereof, on the day of and immediately after the casting of such ballots, shall canvass and count the same, and certify in writing the number of ballots cast and the number of ballots received by each candidate for the office of trustee. After signing such certificate, such officer or other person shall enclose the same to the chief or other head of such fire department, together with all the ballots cast by said fire company, in an envelope, securely sealed and addressed; and the chief or other head of such fire department, as soon as all such certificates and ballots shall have been received by him, shall deliver the same to the president of the Board of Commissioners or other executive head of such respective cities, who shall, in the presence of the chief or other head of such fire department, open said envelope, examine said certificates, and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustee, and shall issue certificates of election as such trustee to the candidate receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provision, then the president of the Board of Commissioners or other executive head of such respective cities shall forthwith determine by lot who shall be the trustee from the persons so receiving such equal number of votes. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of any such election by the officers or persons in charge thereof. The second of the three trustees of said Board of Trustees shall be elected by the Personnel Board of the

county in which any such city may lie, or, if there be no such Personnel Board, by the governing body of such city. Such second trustee shall be elected upon the first Tuesday of each third January after January, 1937, for a three year term, and shall serve until his successor shall have been elected. Any vacancy in the position of such second trustee shall be filled by such Personnel Board, or in case there be none, by such governing body. Such second trustee shall be a person who, at the time of his election, shall have had not less than ten years experience in commercial or investment banking. The president of the Commission of such city, or other chief executive officer thereof, shall, ex officio, be the third trustee of said Board of Trustees and the chairman thereof.

Section 7. That the regular election of the trustee to be elected by members of the fire department, and the regular election of the trustee to be elected by the Personnel Board or the governing body, shall be held on the first Tuesday of each third January after January, 1937, and at each such regular election a trustee shall be elected for a term of three years from the herein prescribed date of election. Should a vacancy occur in the position of the trustee elected by members of the fire department, such vacancy shall at the first meeting of the Board of Trustees after the vacancy occurs be filled by the remaining members of the Board of Trustees, same to be thus filled until the next regular election of the trustee to be elected by members of the fire department.

Section 8. At the first meeting after each election, the Board of Trustees shall elect a secretary, who may be chosen from their own number; provided, that if said Board of Trustees deem proper, the secretary, who shall be a member of such fire department, may be elected by the companies, under the provisions of this act relating to the election of trustees, to serve for a term of three years. Provided, however, in all cities where said members are subject to a civil service law the Personnel Director of said Personnel Board shall be the secretary of said Board. It shall be the duty of the secretary to keep, in a book provided for that purpose, a full and complete record of all proceedings of the Board of Trustees, and he shall perform such other duties as may be properly assigned to him by the Board of Trustees.

Section 9. The city treasurer or other custodian of the funds of such city is hereby made, and it shall be his duty to be, the custodian of all moneys belonging to the Firemen's Pension and Relief Fund, and all moneys belonging to such fund shall be promptly paid to him. The said treasurer shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond for the faithful performance of the duties imposed upon him under this act, and for the faithful accounting for all moneys, securities, and things of value which may come into

his hands as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the expiration of his term of office, such treasurer shall surrender and deliver up to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of such fund.

Section 10. That the said Board of Trustees of the Firemen's Pension and Relief Fund is hereby declared to be the trustee of said Firemen's Pension and Relief Fund, and shall have the exclusive management and control thereof, and all matters legitimately connected therewith; and said Board of Trustees shall have power to adopt and enforce such rules and regulations as may be necessary to enable it to effectively and properly carry into execution the purpose for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this act, but shall be in conformity thereto. The said Board of Trustees shall hear and decide all applications for pensions or relief under this act and its decision on such applications shall be final and conclusive, and not subject to review or reversal, except by the said Board. The said Board of Trustees shall cause to be kept a record of all its meetings and proceedings.

Section 11. That the said Firemen's Pension and Relief Fund shall consist of the following, namely: A. Of all moneys that may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created; and said board may take by gift, grant, devise or bequest any money, personal property, real estate or any interest therein or any right of property for the benefit of said fund; and such gift, grant, devise, or bequest, may be absolute or in fee simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created; and also of existing funds as provided in Section 12 hereof. B. That there shall be deducted from the salary of each member of such fire department as the same becomes payable an amount equal to six per centum thereof, and the amount so deducted shall be placed by the treasurer or comptroller of such city to the credit of the said Firemen's Pension and Relief Fund. C. That each fire insurance company, whether a mutual company or otherwise, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less returned premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in such city, during the preceding year; and it

shall not be lawful for such fire insurance company or its agent, to take or receive any premium for insurance against fire within such city, unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating the provisions of this act shall forfeit to the said Firemen's Pension and Relief Fund the sum of one thousand dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the said Board of Trustees of the Firemen's Pension and Relief Fund; that each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, and on or before the first day of each year, make and file a sworn statement in writing, with the treasurer or comptroller of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation violating the provisions of this act shall forfeit to the said Firemen's Pension and Relief Fund the sum of \$100.00 to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of the said Board of Trustees of the Firemen's Pension and Relief Fund; and all such forfeitures and penalties, provided for herein, shall be and become a part of said Firemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph (c) of this section 11 to be paid by fire insurance companies into said Firemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent (4%) on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 160.10 of Section 348, Chapter 8 Article 13 of the General Revenue Act of 1935 approved July 10th, 1935. D. That the governing body of any such city shall cause to be paid into said Firemen's Pension and Relief Fund, out of the treasury of such city, an amount equal to six per centum of the salary of each member of such fire department, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in subdivision B of this Section. "E" There shall also be added to said fund a sum to be secured by deducting from the compensation or benefit payable to any retired member of said department or any person now or that hereafter may be entitled to any compensation or benefit an amount equal to six per centum

of such compensation or benefit each month which amount shall be payable into said relief fund.

Section 12. Existing funds and property belonging to or a part of the Firemen's Pension and Relief Funds, in the respective cities governed by the provisions of this act, shall be held and administered, used and governed, in the respective cities affected hereby, and transferred and converted into the Firemen's Pension and Relief Fund, in such cities, respectfully, as provided herein, immediately upon this law becoming effective.

Section 13. That the Board of Trustees of said Firemen's Pension and Relief Fund may, at any time, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said Board of Trustees, shall then determine in what manner such investment shall be made, and all proceedings of the said Board of Trustees relating thereto shall be entered at length upon its records. Such investment shall only be by the purchase of the interest bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by such city. All income from such investments shall be and become a part of the said Firemen's Pension and Relief Fund. All such securities shall be deposited with the treasurer of the said Firemen's Pension and Relief Fund, and shall be subject to the management and control of the said Board of Trustees of the Firemen's Pension and Relief Fund.

Section 14. That the said Board of Trustees of the Firemen's Pension and Relief Fund shall make a report to the Board of City Commissioners, or other governing body, of such city, and to each company of such fire department in such city, of the condition of such Firemen's Pension and Relief Fund on the first day of January of each and every year.

Section 15. That the said Board of Trustees of the Firemen's Pension and Relief Fund may designate the depository or depositories of such Firemen's Pension and Relief Fund, and it shall be the duty of the treasurer of such fund to make deposits of such funds as directed by the said Board of Trustees. All interests received on such deposits shall be and become a part of such fund.

Section 16. That all moneys ordered to be paid from said Firemen's Pension and Relief Fund shall be paid by the treasurer of such fund only upon warrants signed by the president of the said Board of Trustees and countersigned by the secretary thereof; and no warrant shall be drawn on such fund except by order of the said Board of Trustees, which shall be duly and regularly entered in the record of the proceedings of the said Board of Trustees.

Section 17. That no portion of the said Firemen's Pension and Relief Fund shall, before or after its order for distribution by the said Board of Trustees to the person or persons entitled thereto under the provisions of this act, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree, or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment, or decree, against any beneficiary of such fund; but shall be exempt therefrom. That said fund shall be sacredly kept, held and distributed for the purposes named in this act, and for no other purpose whatsoever.

Section 18. That if at any time there shall not be sufficient money in such Firemen's Pension and Relief Fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries.

Section 19. The provisions of this act in relation to Firemen's Pension and Relief Fund shall apply to all persons now receiving pensions and/or relief from the Firemen's Pension and Relief Fund of any such city, who have been placed on such pension or relief roll under any former law or laws, and shall also apply to all cases in which an application for pension or relief is now pending before any such Board of Trustees.

Section 20. That if any member of such fire department, while in the performance of his duty, become and be found to be temporarily totally disabled, mentally or physically, for service in such fire department, by reason of service therein, the said Board of Trustees shall order the payment of such disabled member, monthly, during such total disability, not to exceed one year in any event, from such fund, a sum equal to two-thirds of the monthly compensation allowed such member as salary in such fire department at the date of his disability; provided such member, during the same period, is paid no salary as such member.

Section 21. That if any member of such fire department, while in the performance of his duty, become or be found to be physically or mentally permanently disabled for service in such fire department, by reason of service therein, so as to render his retirement from such service necessary, said Board of Trustees shall retire such disabled member from service in such fire department, and upon such retirement, said Board of Trustees shall order the payment to such disabled member, monthly, from such fund, a sum equal to the designated per cent of pay of his particular position,

office or class of work in said fire department as set out in table of pensions set forth in Section 25 hereof.

Section 22. That the said Board of Trustees, with the approval of the city physician, or other reputable examining physician to be selected by it, shall have the power to retire from service in such fire department any member thereof who has become disabled while in the actual performance of his duty; or any member who has performed faithful service in such fire department for a period of not less than ten consecutive years; and shall in each case place the member so retired on the pension roll, and he shall receive from such fund a sum equal to the designated per cent of pay of his particular position, office or class of work in said fire department as set out in table of pensions in Section 25 hereof, which said sum shall be so paid to him monthly.

Section 23. That any member of such fire department who has been in the service thereof for as long as twenty years, the last five of which is consecutive, and shall have attained the age of fifty-five years, upon making written application to said Board of Trustees therefor, shall without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said Board of Trustees shall direct payment to such retired member, monthly, from such fund, a sum equal to eighty per cent of the designated per cent of pay of his particular position, office, or class of work in such department as set out in table of pensions in Section 25 hereof.

Section 24. That any member of such fire department who has been in the service thereof for as long as twenty-five years, the last five of which is consecutive, upon making written application to the Board of Trustees therefor, shall, without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said Board of Trustees shall direct the payment to such retired member, monthly, from such fund, a sum equal to the designated per cent of pay of his particular position, office or class of work in said fire department as set out in table of pensions in Section 25 hereof.

Section 25. That all pensions and relief and retirement pay provided for in this act shall be on a graduating scale and shall increase or decrease in accord with the increase or decrease of the salaries of active members of such fire department and is and shall be fixed as stated in the following table of pensions, unless the pay is otherwise provided for in this act, namely: First, second and third class firemen, sixty-five per cent of a first class fireman's pay. All higher salaried members, sixty-five per cent of a first class fireman's pay plus ten per cent of the amount of the difference between their respective salaries and the salary of a first class fireman. No pensioner shall receive more than eighty per cent of a

first class fireman's pay except that nothing herein contained shall have the effect of reducing the pension of any pensioner retired as chief of the fire department below the sum of one hundred dollars per month, it being the intent hereof that such pensioner so retired as such chief shall in all events receive a minimum monthly benefit of one hundred dollars or more.

Section 26. That after any member of such fire department shall have retired upon pension by reason of disability, the said Board of Trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician and other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll, but such retired member shall remain upon the pension roll until reinstated in the active service of such fire department. Such retired member shall be entitled to notice, and to be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such Board of Trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be subject to review or reversal, except by said Board of Trustees.

Section 27. That if any member of such fire department shall, while in the performance of his duty, be killed or dies as a result of any injury received in the line of his duty, or of any disease contracted by reason of his service in such fire department, or shall die from any cause whatsoever as the result of his service in such fire department and while in such service; or after having served in such fire department for five consecutive years or more shall die, while in the service, or on the retired list, from any cause, and shall leave a widow to whom he was married at the time of such retirement, or child or children under the age of sixteen years, surviving, said board shall direct the payment from said fund, monthly, to such widow, during her natural life and while unmarried, a sum equal to 30% of a first class fireman's salary, and for each child until it reaches the age of sixteen years, a sum equal to 10% of a first class fireman's salary, which said sum for the benefit of such child or children shall be paid, monthly, to only their legal guardian. Should such deceased member leave no widow or children, but a widowed mother, dependent upon him for support, the said Board of Trustees shall pay to her, during her natural life and so long as she remains unmarried, a sum equal to 30% of a first class fireman's

salary, said sum to be paid her monthly. The sums herein provided to be paid widows, orphans and dependent mothers of deceased members shall be on a graduating scale, and increased or decreased according to the salary of active members of such fire department.

Section 28. That whenever an active or retired member of such fire department shall die as aforesaid, the said Board of Trustees shall, in addition to the sums paid as benefits to any disabled, retired or discharged member of such fire department, or his dependents, as provided for under this act, appropriate from the said fund the sum of one hundred dollars which shall be paid to the beneficiary of such deceased member; and the said Board of Trustees may, in its discretion, order the payment of a sum not exceeding fifty dollars for the expense of the attendance of the members of such fire department at the funeral of such deceased member.

Section 29. That when any member of such department shall be confined to his bed, or under the necessary care of a physician, by reason of sickness or other disability not hereinabove provided for, for as long a period as seven days, the said Board of Trustees shall direct the payment to such member from such fund of the sum of fourteen dollars, weekly, while so confined, not to exceed in any event twelve weeks; provided, however, such member shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits.

Section 30. That in all matters involving the disability or sickness of members of such fire department, the said Board of Trustees may have such disabled member, if it sees fit, examined by the city physician, or such other reputable physician or surgeon as may be selected by it, who shall report to the said Board of Trustees the result of such examination in writing; and it is hereby made the duty of such city physician when requested so to do by the said Board of Trustees, to make such examinations and to report thereon as aforesaid; provided, however, such disabled or sick members of such fire department shall have the right, at their option, to select any physician or surgeon who shall be present and participate in such examination, and in the event such physician or surgeon, so selected, and the physician or surgeon, selected by said Board of Trustees, cannot agree as to the diagnosis or condition of such disabled or sick member, then both of said physicians or surgeons shall select a third physician or surgeon who shall also examine such disabled or sick member, and the opinion of the majority of the three physicians or surgeons, so selected, as to such member's condition, shall be binding and shall be accepted by said Board of Trustees.

Section 31. That after a member of such fire department shall have served in such fire department for fifteen consecutive years and shall be discharged from such fire department, he shall be reimbursed all sums paid by him into said funds less any benefit paid to him from said fund which shall be ordered to be paid to him by the said Board of Trustees.

Section 32. That there shall be kept by the secretary of the Board of Trustees a book to be known as the List or Retired Firemen. Such book shall also give a full and complete history and record of the action of the said Board of Trustees in retiring any and all persons under this act, showing the names, date of entering the service of such fire department, date of retirement, and the reason for such retirement, if any.

Section 33. That when the widow or children or widowed mother, or either of them, shall be entitled to a pension as provided in this act, such widow or children or widowed mother shall make or cause to be made an application to the Board of Trustees through the secretary of such Board, on a form to be provided by said Board, which shall show, in the case of the widow, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widow-hood of the mother of such deceased member, and her dependency for support upon him, shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children; or disinterested persons, and by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said Board of Trustees.

Section 34. That it shall be the duty of the city attorney of such city to give advice to the said Board of Trustees in all matters pertaining to the duties of the said Board of Trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said Board of Trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and during all suits and actions in its behalf that may be required or determined upon by said Board of Trustees; and the said Board of Trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fee to such counsel as it may employ as aforesaid.

Section 35. That said Board of Trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties under this act and in and about the management and administration of such fund; provided that in no event shall the members of said Board of Trustees, or the secretary thereof, receive any salary

or compensation for their services out of said fund, except that the Trustee elected by the Personnel Board or governing body shall be paid ten dollars for each meeting attended by him, but in no event for more than two meetings in any calendar month.

Section 36. That each fire insurance company doing business in such city shall file with the said Board of Trustees, on or before the first day of March of each year, a statement or report in writing, showing the gross amount of premiums, less returned premiums received by such fire insurance company for and on account of business done by it in such city during the preceding year; which such statement or report shall be sworn to by the agent of such fire insurance company in such city; or some other person having knowledge of the facts; and any such fire insurance company failing to make and file such report and statement as aforesaid, shall be subject to the same penalties as are provided in Subdivision C of Section 11 of this act, to be collected as in said Subdivision C provided, for the benefit of such fund.

Section 37. It is expressly provided that nothing contained in this Act shall give rise to any vested rights on the parts of members of said fire department nor contractual obligation on the part of such city; the Legislature does now and forever hereafter reserve the right to change, alter or amend any provision of the law creating this Pension and Relief Fund. No hiring, retiring or other act of the city or of the board in control of said Pension and Relief Fund shall give rise to any fixed or vested rights on the part of the beneficiary or anyone else.

Section 38. That if any section or provision of this Act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section or provision of this act which is not, of itself, void or unconstitutional. And every section and part thereof in this act shall apply to every city as indicated and provided herein—words written in the singular number to be construed so that same shall so apply and govern.

Section 39. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SECTION TWO. That this amending and reenacting act shall become effective upon passage.

And on motion of Mr. Snyder a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 589. The Speaker of the House named as the Committee of Conference on the part of the House Messrs. Snyder, Gwin and Hodo.

On motion of Mr. Smyer the House concurred in and adopted the Senate amendment to the bill, H. 997, said Senate amendment being as follows:

Substitute for H. 997 :

A BILL

To be entitled An Act to amend and reenact an Act entitled "An Act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such City governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund to and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers," approved January 26, 1937.

Be it Enacted by the Legislature of Alabama :

SECTION I. DEFINITIONS. In this act words used in the masculine gender include the feminine and neuter genders, and words used in the neuter include the masculine and feminine genders. The following words, terms and phrases wherever used in this act shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning: "City" or "Such City", a city of the population class of one hundred thousand inhabitants or more according to the last or any subsequent Federal Census. "Employee", a person, not including officers elected by the people, who is regularly employed by such city either through the principal governing body of such city or through a subsidiary board or agency of such city, and whose salary is paid in whole or in part from the public funds of such city. "President of the Commission", the president of the governing body of such city, or the officer of such city whose duties are those of chief executive of such city. "Comptroller", the employee of such city whose duties are those of treasurer or chief financial employee. "Board", the Board of Managers created by this act.

SECTION II. TO WHOM APPLICABLE. This act shall apply to all employees of each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census, who at or subsequent to the effective date of this act are governed under civil service rules and regulations. This act shall also apply to such other employees of such city not governed under civil service rules and regulations as may elect to come under its provisions in the following manner: The employees of a city library board or a city board of health, or other such group of city employees may, by a majority vote of

such group elect to come under the provisions of this act, provided the head of such board or group shall in writing, within fifteen days from the effective date of this act certify to the city comptroller the action of such board or group. Any individual employee of such city, except elective officers, may likewise within fifteen days from the effective date of this act file with the city comptroller a written statement that he desires to come under the provisions of this act. Thereafter such groups or individuals, as have elected to come under the provisions of this act, shall remain subject to the provisions of this act, except that any individual subject hereto may at any time hereafter by verified declaration filed with the Board elect to withdraw from the provisions hereof and upon his withdrawal he shall be repaid from the fund created hereby the sums deducted from his salary and paid into such fund, without interest, less any amounts paid him for disability relief or any other benefits. This act shall also apply to the widows of employees who are affected by this act as herein after limited. This act shall not apply to unskilled day laborers of such city nor any members of the police or fire departments of such city who were employed by such city prior to the date of the enactment hereof. For the purposes of this act no person subject hereto shall be treated as receiving a salary from such city in excess of three hundred dollars per month and no deductions from that part of his salary in excess of three hundred dollars per month shall be required to be paid into the Fund; no matching by the city for such excess shall be paid into the fund and no relief or benefits computed or paid hereunder based upon any compensation in excess of such rate of pay. If any person subject hereto has heretofore had deducted and paid into such fund any levy deduction or contribution on that part of his compensation in excess of three hundred dollars per month, such excess deductions, without interest, shall now forthwith be returned to him provided he shall not have heretofore retired or received disability benefits equal to or greater than such refund hereunder.

SECTION III. PENSION AND RELIEF FUND. There is hereby created and established in and for each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for the benefit of the employees of such city coming under the provisions of this act and for the benefit of the widows of such employees. From and after the effective date of this act six per cent (6%) of the salary of every employee affected by this act shall be deducted from the payroll each month by the Comptroller of such city and paid into said Pension and Relief Fund. An equivalent amount shall be paid into said Fund each month from the general fund of such city. The comptroller of

such city shall be the custodian of said Fund, and he is required to keep said Fund in a separate account and to keep a full and complete record of the amount of contribution or deductions made from the salary of each employee and also the amount of contributions or appropriations made by the city. Said record shall be open to inspection at all reasonable business hours. The custodian of said Fund shall before taking possession of said Fund execute and deliver to the Board of Managers, hereinafter created, and keep in force and effect a bond in an amount equal to the total amount of moneys and securities in his possession, but in no case in excess of fifty thousand dollars, payable to said Board of Managers of such city, and conditioned upon the custodian of said Fund accounting to said Board for all funds and securities coming into his possession as such custodian. The premium on said bond, and all the necessary expenses of said Board, shall be paid out of said Pension and Relief Fund upon order of said Board. The custodian of said Fund shall receive no compensation or salary as such custodian, except that the Board of Managers may select a banking institution located in such city as such custodian and pay it such fees for its services as the Board may deem reasonable and proper and may, if it sees fit, waive bond of such institution as custodian so long as the net worth of same exceeds one and one-half times the total value of the Fund or part thereof entrusted to such institution. Said Board of managers is authorized to accept and receive gifts, donations legacies or other contributions for said fund and to administer same as a part of said fund or as may be directed by the donors, as providing benefits over and above those provided by this act.

SECTION 4. BOARD OF MANAGERS. There is hereby created a Board of Managers for the management and distribution of said Pension and Relief Fund, said Board to consist of three members: the president of the commission of such city, who shall be chairman of the Board of Managers, and two associate members, designated as "member number one" and "Member number two." "Member number one" shall within thirty days from the effective date of this act be appointed by the personnel board or civil service board having jurisdiction in such city, if there be such a board, otherwise said member shall be so appointed by the governing body of such city, and such member shall be appointed for a term of two years from the effective date of this act. At the expiration of his term and every four years thereafter "member number one" shall be appointed by said authority for a term of four years. Within thirty days from the effective date of this act "member number two" shall be appointed from the employees of such city by a majority of the following named employees of such city, or the

employees of such city whose duties correspond most nearly thereto, to-wit: superintendent of city parks, city health officer, superintendent of city streets, director of public libraries, city engineer, city attorney, city comptroller, senior judge of the Recorder's Court, and chairman of the zoning board. Said "member number two" shall be appointed for a term of four years from the effective date of this act. At the expiration of his first term, and every four years thereafter, "member number two" shall be appointed by said last named authority for a term of four years. Each of the associate members of said Board of Managers shall be a bona fide resident and a qualified voter of such city. Said Board of Managers shall meet at least once a month at the City hall of such city on the first Thursday in each month, and at such other times as the chairman of said Board shall call a special meeting. The Personnel Director of the Personnel Board of any city wide civil service system, if there be one in such city, otherwise the city clerk of such city shall be secretary of said Board and shall be present at every meeting of said Board, and keep a record of all proceedings of said Board and of all orders and decisions of said Board. The secretary of said Board and no member of said Board shall receive any salary or compensation for his services except "member number one", who shall receive ten dollars for each meeting, provided such member shall not be paid for more than two meetings in any calendar month. Two members of said Board shall constitute a quorum for the transaction of any and all business of said Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. Said Board is empowered to make reasonable rules and regulations for the conduct of its business not inconsistent with the provisions of this act. Said Board shall have entire management of the Pension and Relief Fund created by this act, and shall direct the investment of moneys of said Fund not needed to meet the disbursements provided for in this act in bonds of the United States Government, the State of Alabama and the city for which said Board of Managers is serving; said Board shall receive, investigate and pass upon all applications for pensions and relief under this act, and its decision upon all matters of fact shall be final. Said Board is authorized to borrow money upon to the par value of securities held by it, and to pledge said securities for the payment of the money borrowed. No money shall be invested, paid out or disbursed to any one by the custodian of said Pension and Relief Fund except pursuant to order of said Board of Managers. Any member of said Board may be removed by impeachment for corruption, malfeasance or misfeasance in office or habitual neglect of duty. In case there is a vacancy on said Board such vacancy shall be filled by the authority hereinbefore empowered to appoint.

SECTION 5. DISABILITY RELIEF. Any employee of such city after having served for five consecutive years or more, who shall become totally disabled, either physically or mentally to perform his customary duties shall, after the continuance of such disability for sixty consecutive days, be paid monthly from the Pension and Relief Fund during the further continuance of such total disability an amount equal to forty per cent (40%) of the monthly salary of such employee at the time of the commencement of such disability. The disability relief herein provided for shall be paid by the custodian of said Fund upon the order of the Board of Managers after application has been made to said Board by the employee or some one on his behalf, and after satisfactory proof has been made to the Board by a certificate from at least one licensed practicing physician in such city of such total disability. The Board shall have the power in its discretion to require the certificate of more than one such physician and such further proof as it may deem necessary. The Board may from time to time require additional certificates and other proof to determine whether such disability still exists.

SECTION 6. RETIREMENT. Upon, or at any time after the effective date of this act, any employee of such city who shall have reached the age of sixty years, and who shall have been in the service of such city for fifteen consecutive years or more, or for twenty-five years or more, the last five of which being consecutive, shall be entitled to voluntarily retire from the service and be paid a pension upon the terms and conditions hereinafter set out, and if such person after having become entitled to voluntarily retire, hereunder, shall be separated from the service of such city, voluntarily or involuntarily, he shall be entitled to a pension from said Fund to be computed upon the following basis: Forty per cent (40%) of the average monthly salary of such employee for the last five years preceding retirement, plus one-half of one per cent ($\frac{1}{2}\%$) for each year he has been in service of such city after September first, 1937; provided, no pension shall exceed the following schedule: In case said average monthly salary is two hundred dollars or less, the monthly pension shall not exceed fifty per cent (50%) of such monthly salary; where such average monthly salary is over two hundred dollars or not over three hundred dollars, the monthly pension shall not exceed forty-five per cent (45%) of such monthly salary; Any employee who on or after the effective date of this act shall have been in the service of such city for twenty consecutive years or more, or for twenty-five years, the last five of which being consecutive, and who is involuntarily separated from the service of such city through no fault of his own involving moral turpitude, shall be entitled to a pension as herein provided, notwithstanding he may not have reached the age of sixty years; provided the Per-

sonnel Board or other agency governing tenure of service of employees of such city shall certify that such employees has not contributed by his own conduct to his separation from the city's service. Any employee who on or after the effective date of this act shall have been in the service of such city for thirty-five consecutive years or more shall, regardless of his age, be entitled voluntarily to retire from the service of such city and receive a pension as herein provided. No pension shall commence until the expiration of two years after September first, 1937, even though the applicant therefor may have become entitled thereto prior to such date. Pensions shall be paid monthly during the life of the employee. Upon the death of any employee who is receiving a pension or who is entitled voluntarily to retire or who is entitled to a pension under the provisions of this act, the widow of such employee shall during her life and so long as she remains unmarried be entitled to a monthly pension of fifty per cent (50%) of the pension which her husband was receiving or to which he was entitled at the time of his death; provided such widow was the lawful wife of such employee for fifteen years prior to the time of his separation from the service of such city. In the event any one is separated from the service of such city within two years after the effective date of this act, and who is entitled to a pension under any one of the foregoing provisions, there shall be deducted in equal installments from his monthly pension the aggregate amount that would have been deducted from his salary had he remained in the service of such city, at the salary he was last receiving, to the end of said two year period. Any benefits payable hereunder shall be reduced by the amount, if any, which the beneficiary shall receive from any public employment.

SECTION 7. RETURN OF CONTRIBUTIONS. Should any employee voluntarily retire from the service of such city or be discharged because of some fault of his own before becoming eligible for a pension hereunder there shall be refunded to him the full amount of the deductions from his salary paid into said Fund, without interest, less one-half of disability benefits paid to him under this act. Should any employee be involuntarily retired through no fault of his own involving moral turpitude, or die before becoming eligible for a pension the full amount of his contribution to said Fund, without interest, less one-half of disability benefits paid to him under this act, shall be returned to such employee or to his legal representative. The return of the contribution to said Fund herein provided for shall be made on order of the Board after satisfactory proof of the amount of such contribution has been made to the Board.

SECTION 8. APPRAISAL OF FUND. At the end of each year from the effective date of this act the Board shall cause to be made an appraisal of the plan set up in this act, the funds on hand, and the liabilities of said fund, both accrued and contingent. Whenever such appraisal shall show that the three per cent (3%) contribution from the salaries of the employees, plus the equivalent amount contributed by such city under the requirements of this act, plus all other revenues in said Fund, provide more or less funds than are necessary to meet the liabilities of said Fund under this act, then the contribution of the employees from their salaries and the contribution of the city shall be equally reduced or increased, as the case may be, to such amount as will in the sound judgment of the Board keep and maintain said Fund on a sound actuarial basis, provided said contributions shall not be increased above six per cent (6%). If it is found that the levy of 6% on each is not sufficient to pay the benefits herein provided, same must be ratably and proportionally decreased.

SECTION 9. EXEMPTION FROM TAXATION. No portion of said Pension and Relief Fund whether in cash or securities either before or after its distribution shall be subject to any state or municipal tax, nor shall the same be seized or held or in anywise subject to garnishment or levy of execution or attachment issued out of any court of this state or any other state, nor shall the same be assigned. Neither the hiring, payment of benefits to nor retirement of any person nor any act of the Board of Managers or the City governing body shall give rise to any contractual or vested rights hereunder; but the Legislature reserves full power and right to amend or repeal any and every separate provision hereof.

SECTION 10. SEVERABILITY. Each section of this act, and every part of each section, are declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void for any cause shall not affect the other sections or parts thereof; and it is now declared that the other sections or parts of sections would have been enacted regardless of any section or parts of sections which might be held void.

SECTION 11. LENDING CLAUSE. The Board of Managers shall have the right to lend any member of such Pension and Relief Fund such amounts of money not to exceed fifty (50%) of the total deductions from the salary or wages of such member which has been credited to him since the effective date of this Act, the Board of Managers shall make such rules and regulations regarding such loans as is in their discretion, to the best interests of such fund, and interest shall be charged at the rate of six (.06%) per annum. Should any employee member owing the fund any borrowed money, discontinue his services with the City, the Board shall have the

right to apply any funds to his credit in the fund to the payment of the loan of such employee.

SECTION 12. REPEALING CLAUSE. All laws or parts of laws inconsistent with or in conflict with this act are hereby expressly repealed.

SECTION 13. EFFECTIVE DATE. This act shall become effective upon the approval of the Governor.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Kaul	Sadler
Allen	Dobbs	Langley	Sanderson
Austin	Doster	Locke	Scott
Bagley	Ellis	Lovelace	Segrest
Beck	Flowers	Neighbors	Sessions
Booth	Garrett	Newman	Sightler
Boswell	Gewin	Norman (Bullock)	Smyer
Brown (Covington)	Green	Norman (Lowndes)	Snyder
Brown (Lee)	Gwin	Owens	Taylor
Carwile	Hall	Payne	Thomas
Chewning	Hardwick	Peacock	Walden
Christopher	Hare	Petrey	Waldrop
Clayton	Hill	Phillips	Welch
Cobb	Hodo	Pitts	Weston
Collier	Jenkins	Pool	Whigham
Cook	Jones	Quarles	Young
Cope			

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MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 951 with suggested Executive Amendment.

Respectfully submitted,
ROLAND MUSHAT,
Secretary to the Governor

September 15, 1939

To the House of Representatives,
Montgomery, Alabama
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 951 without my approval.

My objections are that the amendment to said Bill, adopted by the House of Representatives and the Senate on September 7, 1939, by substituting the amount of one hundred thousand dollars (\$100,000.00) for the amount of fifty thousand dollars (\$50,000.00) wherever it appeared in words and figures in the Bill, in my opinion, is insufficient, for the reason that the caption of said Bill was not amended in a like manner. Although the enrolled Bill purports to show that the caption was also amended to substitute the words and figures in the amount of one hundred thousand dollars (\$100,-

000.00), for the words and figures as they appear in the Bill, in the amount of fifty thousand dollars (\$50,000.00), there is nothing to show that this amendment to the caption was made by the Legislature. Apparently it was made in enrolling the Bill.

I suggest the following Executive Amendment which, if adopted, will remove my objections to said Bill, namely:

Amend the caption of said House Bill No. 951 by striking the words and figures "fifty thousand dollars (\$50,000.00)" wherever they appear in said caption and substitute therefor the words and figures "one hundred THOUSAND dollars (\$100,000.00)."

Respectfully,
FRANK M. DIXON,
Governor.

September 15, 1939.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill H. 951, said amendment as proposed by His Excellency, the Governor, being set out in the above and foregoing Message from the Governor.

Yeas, 63; Nays, 0.

Yeas:

Mr. Speaker	Doster	Martin	Stallings
Allen	Ellis	Megginson	Stone
Austin	Flowers	McGowin	Taylor
Bagley	Gewin	Nation	Thomas
Ball	Golson	Neighbors	Tidmore
Beck	Green	Norman (Bullock)	Tucker
Booth	Gwin	Norman (Lowndes)	Walden
Brown (Covington)	Hall	Payne	Waldrop
Brown (Lee)	Hardwick	Pitts	Wallace
Chewning	Hare	Quarles	Waller
Christopher	Henson	Robertson (Cullman)	Welch
Cobb	Hodo	Sadler	Weston
Collier	Jones	Scott	Whigham
Cook	Kaul	Segrest	White
Cope	Langan	Sightler	Young
Dominick	Langley	Spence	

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Which was a majority of the whole number elected to the House.

And said bill:

H. 951. To make a further appropriation of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 63 ; Nay, ; 0.

Yeas:

Mr. Speaker	Doster	Martin	Stallings
Allen	Ellis	Megginson	Stone
Austin	Flowers	McGowin	Taylor
Bagley	Gewin	Nation	Thomas
Ball	Golson	Neighbors	Tidmore
Beck	Green	Norman (Bullock)	Tucker
Booth	Gwin	Norman (Lowndes)	Walden
Brown (Covington)	Hall	Payne	Waldrop
Brown (Lee)	Hardwick	Pitts	Wallace
Chewning	Hare	Quarles	Waller
Christopher	Henson	Robertson (Cullman)	Welch
Cobb	Hodo	Sadler	Weston
Collier	Jones	Scott	Whigham
Cook	Kaul	Segrest	White
Cope	Langan	Sightler	Young
Dominick	Langley	Spence	

—63

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill 718 without his approval.

Respectfully,

ROLAND MUSHAT,
Secretary to the Governor.

September 15, 1939

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 718 without my approval.

This is a local bill and Section 106 of the Constitution requires that notice of the purpose to introduce same be published four consecutive weeks. It appears that publication was made for only three weeks, therefore, said bill is unconstitutional.

Respectfully,

FRANK M. DIXON,
Governor.

September 15, 1939

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the message from His Excellency, the Governor, containing his veto of House bill 718. And the House refused to again pass said bill, H. 718, the veto of the Governor to the contrary notwithstanding.

Yeas, 0; Nays, 69.

Nays:

Mr. Speaker	Dominick	Martin	Robertson (Cullman)
Allen	Gewin	Matthews (Jackson)	Robinson (Lowndes)
Bagley	Golson	Mayhall	Robinson (St. Clair)
Ball	Graham	Meggins	Sadler
Barchard	Graves	Miller	Stone
Barnes	Green	McCord	Taylor
Beck	Hardwick	McDanal	Thomas
Booth	Hare	McGowin	Tidmore
Boswell	Haynes	Nation	Toomer
Branyon	Henson	Norman (Bullock)	Tucker
Clayton	Hill	Norman (Lowndes)	Waller
Cobb	Jenkins	Owens	Welch
Collier	Jones	Payne	Weston
Cook	Kaul	Phillips	Whigham
Dearman	Langan	Pitts	White
Delony	Langley	Pool	Wood
Devers	Locke	Quarles	Young
Dobbs			

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RESOLUTION

The following resolution was introduced:

By Mr. Dominick:

H. J. R. 130. Be It Resolved by the House, the Senate concurring, that Senate Bill Number 468 be known and designated as the Simpson-Brown (of Covington) Bill.

On motion of Mr. Dominick the Rules were suspended and the H. J. R. 130 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Conference Committee on the following bill:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

And said bill, H. 782, was again read a third time at length and passed, as amended by the Conference Report.

Yeas, 18; Nays, 6.

And returns same, together with the Conference Report herewith to the House.

J. F. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House:

H. 866. To amend Section III and Section X of an act entitled "An Act to create a County Board of Equalization in and for each of the sixty-seven counties of the State; To provide for the manner of selecting the members of such Board; To provide for the appointment, the term of office and compensation of such members; To provide the powers, rights, authority and duties of the said County Boards of Equalization and the members thereof; to provide a secretary for each of said Boards of Equalization; To abolish the several County Boards of Review, as now or heretofore created, and to repeal all laws in conflict with this Act" approved March 15th, 1939, so as to authorize certain County Boards of Equalization to employ assistants and to make inventory of property in certain counties.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Smyer the House concurred in and adopted the Senate amendment to the bill, H. 866, said Senate amendment being as follows:

Amend House Bill 866 by adding immediately after Section 1 on page 4 of said bill the following:

Any inventory of property in any such county as provided for in the foregoing section shall not be taken or made unless the same is first authorized or approved by the county governing body, which body shall also have the right from time to time to fix and determine the number of employees to be used in making any such inventory. All employees engaged in making any such in-

ventory shall be selected under and governed by the provisions of any county-wide civil service law governing county employees that may be in force and effect in any such county.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Locke	Segrest
Allen	Delony	Lovelace	Sessions
Austin	Devers	Martin	Sherrer
Bagley	Garrett	Miller	Sightler
Ball	Gewin	McCord	Smyer
Barnes	Golson	McDanal	Snyder
Beck	Graham	McGowin	Spence
Booth	Graves	Nation	Stallings
Boswell	Green	Neighbors	Stone
Branyon	Gwin	Newman	Taylor
Carwile	Hodo	Peacock	Walden
Christopher	Jenkins	Petrey	Waldrop
Clayton	Jones	Pitts	Welch
Cobb	Kaul	Pool	Weston
Collier	Langan	Quarles	Whigham
Cook	Langley	Scott	White
Cope			

—65

BILLS ON THIRD READING

S. 318. To provide for the time of payment of the salaries of all officers and employees of the State of Alabama.

Was read a third time at length and passed.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Matthews (Jackson)	Sherrer
Allen	Flowers	Mayhall	Sightler
Booth	Garrett	Meggins	Smyer
Boswell	Gewin	Nation	Snyder
Brown (Covington)	Golson	Neighbors	Spence
Brown (Lee)	Graham	Norman (Bullock)	Stallings
Carwile	Graves	Norman (Lowndes)	Taylor
Castleberry	Green	Payne	Tidmore
Chewning	Gwin	Peacock	Toomer
Christopher	Hall	Petrey	Tucker
Cook	Henson	Phillips	Waldrop
Dearman	Hodo	Pitts	Wallace
Delony	Jones	Quarles	Waller
Devers	Kaul	Robertson (Cullman)	Whigham
Dobbs	Langan	Sanderson	White
Dominick	Langley	Scott	Young
Doster	Martin	Segrest	

—67

S. 436. To prescribe additional powers, duties and authorities of the Department of Conservation and the Director of Conservation

with reference to the operation and maintenance of State Parks and the acquisition of lands for such Parks; to authorize the execution of contracts arising out of the use and ownership of such lands and the waters thereof; to authorize the adoption of rules and regulations governing the use of State Parks and to provide penalties for the violation thereof; to provide for roads and highways therein; to authorize counties and municipalities to aid in the promotion of the State Park system; and to create a State Park Fund.

Was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Megginson	Scott
Allen	Gewin	Miller	Segrest
Austin	Golson	McDanal	Sightler
Barnes	Graham	McGowin	Snyder
Booth	Graves	Nation	Spence
Brown (Covington)	Green	Neighbors	Stallings
Brown (Lee)	Gwin	Norman (Bullock)	Taylor
Carwile	Hall	Payne	Thomas
Chewning	Hare	Peacock	Tidmore
Christopher	Henson	Petrey	Toomer
Cook	Jones	Phillips	Tucker
Dearman	Langan	Pitts	Wallace
Delony	Langley	Pool	Welch
Dobbs	Locke	Quarles	Whigham
Dominick	Martin	Robertson (Cullman)	Wright
Doster	Matthews (Jackson)	Sanderson	Young
Ellis	Mayhall		

—66

S. 457. To provide an additional and alternative authority for the consolidation of the administration and control of the public school systems in any county of more than 55,000 population according to the last or any succeeding Federal census; to provide an additional and alternative authority for establishing a board of education in lieu of all other county and city boards of education in such counties to serve until the election of a county board of education, and to provide for the manner of the selection of a county board of education in such consolidated school systems, and to define its authority and duties.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Brown (Covington)	Dearman	Flowers
Allen	Carwile	Delony	Garrett
Austin	Castleberry	Devers	Gewin
Barnes	Chewning	Dominick	Golson
Booth	Cook	Ellis	Graves

Green	Mayhall	Petrey	Tidmore
Henson	Megginson	Pitts	Toomer
Hill	McCord	Pool	Tucker
Hodo	McDana	Robertson (Cullman)	Waldrop
Jones	McGowin	Sanderson	Wallace
Langan	Nation	Segrest	Waller
Locke	Neighbors	Sightler	Whigham
Lovelace	Norman (Lowndes)	Smyer	Wood
Martin	Payne	Spence	Young
Matthews (Jackson)	Peacock		

—58

S. 303. Prohibiting boxing, sparring and wrestling matches and exhibitions except such boxing, sparring and wrestling matches and exhibitions as are authorized by and held under the regulation, supervision and control of the Alabama Boxing and Wrestling Commission, herein established, and relating to the powers, duties, compensation and authority of said Commission, and prescribing penalties for the violation of the provisions of this Act, or rules, regulations and orders of said Commission.

Was taken up.

Mr. Peacock offered the following amendment to the bill, S. 303:

AMENDMENT TO S. 303, BY MR. PEACOCK

Amend S. B. 303 by adding thereto Section 18½ to read as follows:

"Section 18½. Provided that anything in this act to the contrary notwithstanding, the provisions hereof shall not apply to towns and cities which now have or which may hereafter have according to the last or any succeeding Federal census a population of four thousand or less."

Also amend the caption of said S. B. 303 by striking the period at the end thereof and adding the following:

", and to provide for certain exceptions from the operation of this act."

On motion of Mr. Quarles the amendment offered by Mr. Peacock was laid upon the table.

Mr. Quarles offered the following amendment to the bill, S. 303:

AMENDMENT TO SENATE BILL NO. 303, BY MR. QUARLES

Amend Senate Bill No. 303 by adding directly after Section 18 thereof the following:

Section 18 (A). Boxing, Sparring and Wrestling Matches and Exhibitions, held in the armory of any National Guard or Naval

Militia Unit, under the supervision of the Senior Officer at the station at which the said armory is situated are expressly exempted from the provisions of this Act. At said Matches or Exhibitions in any of said armories, an admission charge or fee of not exceeding forty-five cents may be required of each person so attending, which said admission fees, after payment of reasonable costs of said Exhibitions or Matches, shall be covered into the Company fund. Provided further; That the units of the National Guard or Naval Militia shall not be required to obtain any authority, permission or license from the commission created by this Act or from any agency to conduct or hold any such Exhibitions or Matches, and that all such Exhibitions and Matches so held under the authority of this Section shall be exempt from the payment of any and every form of license or taxation, either State, County or Municipal. It shall be the duty of the Adjutant General to promulgate and enforce rules and regulations governing such Exhibitions and Matches.

And the amendment offered by Mr. Quarles to the bill, S. 303 was adopted.

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Matthews (Jackson)	Segrest
Allen	Dearman	Mayhall	Sessions
Austin	Devers	Miller	Sightler
Bagley	Dobbs	McCord	Smyer
Ball	Doster	McGowin	Snyder
Barchard	Flowers	Nation	Spence
Barnes	Garrett	Neighbors	Stallings
Booth	Gewin	Newman	Thomas
Boswell	Golson	Norman (Bullock)	Tidmore
Brown (Covington)	Graham	Norman (Lowndes)	Tucker
Brown (Lee)	Gwin	Payne	Walden
Carwile	Henson	Peacock	Waldrop
Castleberry	Hodo	Petrey	Wallace
Chewning	Jones	Pitts	Waller
Christopher	Kaul	Quarles	Welch
Clayton	Langan	Robertson (Cullman)	Whigham
Cook	Locke	Sanderson	Wood
Cope	Martin	Scott	Young

—72

And said bill:

S. 303. Prohibiting boxing, sparring and wrestling matches and exhibitions except such boxing, sparring, and wrestling matches and exhibitions as are authorized by and held under the regulation, supervision and control of the Alabama Boxing and Wrestling Commission, herein established, and relating to the powers, duties, compensation and authority of said Commission, and

prescribing penalties for the violation of the provisions of this Act, or rules, regulations and orders of said Commission.

As amended by the amendment offered by Mr. Quarles, was read a third time at length and passed.

Yeas, 65; Nays, 3.

Yeas:

Mr. Speaker	Dobbs	Miller	Sessions
Allen	Dominick	McCord	Sherrer
Austin	Doster	McDanal	Sightler
Bagley	Flowers	McGowin	Smyer
Barchard	Garrett	Neighbors	Spence
Barnes	Gewin	Newman	Taylor
Booth	Golson	Norman (Bullock)	Thomas
Boswell	Gwin	Payne	Tidmore
Brown (Covington)	Hardwick	Petrey	Tucker
Brown (Lee)	Hodo	Pitts	Waldrop
Carwile	Jones	Pool	Wallace
Chewning	Kaul	Quarles	Waller
Clayton	Langan	Robertson (Cullman)	Welch
Cook	Locke	Sanderson	Whigham
Cope	Martin	Scott	Wood
Davis (Madison)	Megginsin	Segrest	Young
Dearman			

—65

Nays: Messrs.: Green, Peacock, Weston.

— 3

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this state.

Was taken up.

Mr. Martin offered the following substitute for the bill, S. 347:

Substitute for Senate Bill 347:

A BILL

To be entitled An Act to provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide a punishment for the wilful, malicious,

or wantonly negligent setting of fire to woods, brush, prairie, grass, grain or stubble, in this state.

Be it enacted by the Legislature of Alabama :

Section 1. Every person, firm, association or corporation, who wilfully, maliciously or with wanton negligence sets on fire or causes or procures to be set on fire any woods, brush, prairie, grass, grain, stubble or other inflammable vegetation on any lands not owned leased or controlled by him or them; and every person, firm, association, or corporation, who wilfully, maliciously, or with wanton negligence allows a fire to escape from land owned, leased or controlled by him or them whereby any property of another is injured or destroyed, and any person, firm, association, or corporation, who shall burn any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, whether on one's own land or that of another without taking reasonably necessary precautions, both before lighting the fire and at all times thereafter to prevent the escape thereof; and any person, firm, association or corporation, who shall set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, within or near any forest or woodland, unless the area surrounding said material to be burned shall be cleared of all inflammable material for a reasonably safe distance in all directions, and maintained free of all inflammable material so long as such fire shall continue to burn; and any person, firm, association or corporation, who shall set a fire within or near any forest, woodland or grass land without clearing the ground immediately around it free from material which will carry fire, or leave such fire before it is totally extinguished, or start a fire in any forest, woodland or grass land by throwing away a lighted cigar, cigarette, match, or by the use of firearms, or in any other manner, and leave the same unextinguished; and any person, firm, association or corporation who shall set, throw, or place any device, instrument or paraphernalia in or adjacent to any forest, woodland, or grass land with intent to set fire to said forest, woodland, or grass land, which in the natural course of events would result in fire being set to said forest, woodland or grass land; and any person, firm or corporation, who shall destroy, remove, injure or deface any fire warning or notices, or deface any inscription or devices comprising such notices; and any person, firm, association or corporation, who shall burn any new ground, field, grass lands or woodlands, adjoining wood lands or grass lands of another within any area which has been placed under organized forest fire protection by the Department of Conservation, or any other agency without first reporting to the protection agency the time he intends to burn said land and location of the same; shall be guilty of a

misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$1,000. and may also be imprisoned in the county jail or sentenced to hard labor for not less than ten (10) days nor more than twelve (12) months.

Section 2. Any fire burning uncontrolled on any forested, cut-over, brush land or grass land area is hereby declared to be a public nuisance by reason of its menace to life and property. Any person, firm, association, or corporation responsible either for the starting or the existence of such fire is hereby required to make a reasonable effort to control or extinguish it as soon as he or they has or have knowledge thereof, and if such person, firm, association, or corporation shall refuse or neglect to do so, any organized fire suppression force may suppress the nuisance thus constituted, by controlling and extinguishing the fire, and the cost thereof may be recovered from said person, firm, association, or corporation responsible for the starting or existence of such fire.

Section 3. All employees of the Department of Conservation shall have the powers of peace officers in the enforcement of the fire and forest laws of the State of Alabama. All employees of the Department of Conservation, and all duly appointed officers of the United States whose duty it is to prevent and suppress forest fires shall be empowered to enter any lands and to construct thereon fire lines, fire lanes or firebreaks to set backfires thereon if necessary to prevent the further spread of fire then actually burning, and to do other work necessary in the performance of their duties without liability for trespass or damage therefrom.

Section 4. If any provision or part of this Act shall be held unconstitutional, invalid or for any reason ineffective, it shall not affect or invalidate any of the remaining provisions of this Act.

Section 5. All laws and parts of laws, whether general, local or special, in conflict with any of the provisions of this Act are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its approval by the Governor.

And the substitute offered by Mr. Martin for the bill, S. 347, was adopted.

Yeas, 70; Nay, 1.

Yeas:

Mr. Speaker	Boswell	Cope	Gewin
Allen	Brown (Covington)	Davis (Madison)	Golson
Austin	Brown (Lee)	Dearman	Green
Bagley	Carwile	Devers	Gwin
Ball	Castleberry	Dobbs	Hardwick
Barchard	Chewning	Doster	Henson
Barnes	Clayton	Ellis	Hill
Booth	Cook	Garrett	Hodo

Jones	McGowin	Robertson (Cullman)	Tidmore
Kaul	Nation	Sadler	Tucker
Langan	Neighbors	Segrest	Walden
Locke	Norman (Lowndes)	Sessions	Waldrop
Martin	Payne	Sightler	Wallace
Matthews (Jackson)	Peacock	Spence	Welch
Mayhall	Petrey	Stallings	Weston
Meggins	Phillips	Taylor	Wood
McCord	Pitts	Thomas	Young
McDanal	Pool		

—70

Nay: Mr. Newman

— 1

And said bill:

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide for civil damages against persons responsible for the existence of such fires and to provide a punishment for the wilful, malicious or negligent setting of fire to woods, brush, prairie, grass, grain or stubble in this state.

As amended by the substitute offered by Mr. Martin, was read a third time at length and passed.

Yeas, 70; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Martin	Sadler
Allen	Devers	Matthews (Jackson)	Segrest
Austin	Dobbs	Mayhall	Sessions
Bagley	Doster	Meggins	Sightler
Ball	Ellis	McCord	Spence
Barchard	Garrett	McDanal	Stallings
Barnes	Gewin	McGowin	Taylor
Booth	Golson	Nation	Thomas
Boswell	Green	Neighbors	Tidmore
Brown (Covington)	Gwin	Norman (Lowndes)	Tucker
Brown (Lee)	Hardwick	Payne	Walden
Carwile	Henson	Peacock	Waldrop
Castleberry	Hill	Petrey	Wallace
Chewning	Hodo	Phillips	Welch
Clayton	Jones	Pitts	Weston
Cook	Kaul	Pool	Wood
Cope	Langan	Robertson (Cullman)	Young
Davis (Madison)	Locke		

—70

S. 320. An Act to amend an Act entitled "An Act to authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service", approved September 14, 1935, as amended by an Act entitled "An Act to amend Sections 5 and 12 of an Act approved September 14, 1935 entitled 'An Act to authorize, provide for and regulate non-profit corporations for the establishment,

maintenance and furnishing of a plan of hospitalization and hospital Service' approved April 21, 1936, by adding thereto a new section to be numbered "Section 12½" making the provisions of Section 8319 to 8554 (31), inclusive, of the Code of Alabama of 1923 and any amendments thereto and any other statutes of this State applying to insurance companies inapplicable to any corporation organized under the provisions of said Act as amended, or to any contract made by such corporation, and to amend Sections 4, 11 and 12 of said Act as amended.

Was read a third time at length and passed.

Yeas, 66; Nays, 3.

Yeas:

Mr. Speaker	Davis (Madison)	Jones	Sanderson
Allen	Dearman	Kaul	Scott
Barchard	Delony	Lovelace	Segrest
Barnes	Devers	Martin	Sessions
Beck	Dobbs	Meggins	Sightler
Booth	Dominick	Miller	Smyer
Boswell	Doster	McDanal	Spence
Brown (Covington)	Ellis	McGowin	Stallings
Brown (Lee)	Garrett	Norman (Bullock)	Taylor
Carwile	Gewin	Norman (Lowndes)	Thomas
Chewning	Golson	Payne	Tidmore
Christopher	Gwin	Petrey	Tucker
Clayton	Hardwick	Pitts	Waldrop
Cobb	Hare	Pool	Wallace
Collier	Haynes	Robertson (Cullman)	Welch
Cook	Henson	Sadler	Young
Cope	Hill		

—66

Nays: Messrs. Mayhall, McCord, Sherrer

— 3

(With amendment):

S. 268. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making of rules and regulations by the State Department of Agriculture pertaining to the examination and licensing of persons engaged in such work or services; to provide for the examination and licensing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Agriculture, said committee amendment being as follows:

COMMITTEE AGRICULTURE AMENDMENT TO S. 268

To amend Senate bill No. 268:

Section 1 should read as follows:

SECTION 1. There is hereby created and established a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work and tree surgery work as hereinafter defined. Said Board shall be hereinafter in this Act referred to as, The Examining Board. The Examining Board shall consist of the Commissioner of Agriculture and Industries, as its Chairman; the Entomologist, the Horticulturist, and the Plant Pathologist of the Alabama Experiment Station. The members of the Examining Board shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in attending its meetings, which expenses are to be paid from the Agricultural fund.

And the amendment reported by the Standing Committee on Agriculture to the bill, S. 268, was adopted.

Yeas, 50; Nays, 5.

Yeas:

Mr. Speaker	Dobbs	Kaul	Sessions
Allen	Dominick	Langan	Sightler
Bagley	Doster	Lovlace	Smyer
Ball	Ellis	Martin	Spence
Barnes	Flowers	Megginson	Taylor
Boswell	Gewin	McGowin	Thomas
Brown (Covington)	Golson	Payne	Tidmore
Brown (Lee)	Hall	Petrey	Tucker
Chewning	Hardwick	Pitts	Waldrop
Cobb	Hare	Robertson (Cullman)	Wallace
Cope	Haynes	Sanderson	Welch
Davis (Madison)	Henson	Scott	Wood
Dearman	Hill		

—50

Nays: Messrs.: Locke, Miller, McCord, Newman, Norman (Lowndes).

— 5

And said bill:

S. 268. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making

of rules and regulations by the State Department of Agriculture pertaining to the examination and licensing of persons engaged in such work or services; to provide for the examination and licensing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

As amended by the amendment reported by the Standing Committee on Agriculture, was read a third time at length and passed.

Yeas, 50; Nays, 4.

Yeas:			
Mr. Speaker	Dobbs	Langley	Robertson (Cullman)
Allen	Doster	Martin	Sadler
Austin	Garrett	Megginson	Segrest
Bagley	Gewin	Miller	Sessions
Barnes	Golson	McDanal	Smyer
Beck	Gwin	McGowin	Stallings
Boswell	Hall	Nation	Tidmore
Brown (Covington)	Hardwick	Neighbors	Toomer
Brown (Lee)	Hare	Norman (Bullock)	Tucker
Castleberry	Hill	Norman (Lowndes)	Walden
Christopher	Hodo	Petrey	Wallace
Cook	Jones	Pitts	Waller
Davis (Madison)	Langan		

—50

Nays: Messrs.: Locke, McCord, Newman, Peacock.

— 4

S. 439. To amend Sections 423 and 424 of the Alabama School Code of 1927.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:			
Mr. Speaker	Devers	Mayhall	Scott
Austin	Doster	Megginson	Sessions
Bagley	Garrett	McCord	Sherrer
Ball	Gewin	McDanal	Sightler
Barchard	Golson	McGowin	Smyer
Barnes	Graham	Nation	Stallings
Boswell	Graves	Neighbors	Taylor
Brown (Covington)	Hardwick	Newman	Thomas
Brown (Lee)	Hare	Norman (Lowndes)	Tidmore
Chewning	Haynes	Payne	Tucker
Christopher	Henson	Petrey	Waldrop
Clayton	Hill	Phillips	Wallace
Cobb	Jones	Pitts	Waller
Cook	Kaul	Pool	Welch
Cope	Langan	Robertson (Cullman)	Weston
Davis (Madison)	Langley	Sadler	White
Dearman	Matthews (Jackson)	Sanderson	Young
Delony			

—69

S. 497. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Ellis	McDanal	Segrest
Allen	Golson	McGowin	Sessions
Austin	Green	Nation	Sightler
Barnes	Hall	Neighbors	Smyer
Boswell	Hardwick	Newman	Snyder
Brown (Covington)	Hare	Norman (Bullock)	Spence
Brown (Lee)	Haynes	Norman (Lowndes)	Stallings
Chewning	Hill	Payne	Taylor
Christopher	Hodo	Petrey	Thomas
Cobb	Jones	Phillips	Tidmore
Cook	Kaul	Pitts	Tucker
Cope	Langley	Pool	Waldrop
Davis (Madison)	Locke	Quarles	Waller
Delony	Matthews (Jackson)	Robertson (Cullman)	Welch
Devers	Miller	Sadler	Weston
Doster	McCord	Sanderson	Young

—64

S. 468. To provide for tenure of Employment of teachers in the public schools.

Was read a third time at length and passed.

Yeas, 68; Nay, 1.

Yeas:

Mr. Speaker	Delony	Matthews (Jackson)	Scott
Allen	Devers	Mayhall	Segrest
Austin	Doster	Miller	Sessions
Bagley	Ellis	McCord	Sherrer
Ball	Garrett	McDanal	Sightler
Barchard	Golson	McGowin	Spence
Barnes	Graham	Nation	Stallings
Boswell	Green	Neighbors	Thomas
Brown (Covington)	Hall	Norman (Lowndes)	Tidmore
Brown (Lee)	Hare	Payne	Tucker
Carwile	Haynes	Petrey	Waldrop
Chewning	Hill	Phillips	Waller
Christopher	Jones	Pitts	Welch
Cobb	Kaul	Pool	Weston
Collier	Locke	Robertson (Cullman)	Whigham
Cook	Lovellace	Sadler	White
Davis (Madison)	Martin	Sanderson	Young

—68

Nay: Mr. Newman.

— 1

S. 435. To amend Subsection 21 of Section 5 of the "Department of Finance Act of 1939", approved March 7, 1939.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Delony	Martin	Sightler
Allen	Devers	Megginson	Spence
Ball	Doster	Miller	Stallings
Barchard	Flowers	McDanal	Taylor
Barnes	Graham	McGowin	Thomas
Booth	Graves	Neighbors	Tidmore
Brown (Covington)	Green	Norman (Bullock)	Tucker
Brown (Lee)	Hardwick	Norman (Lowndes)	Waller
Chewning	Hare	Petrey	Welch
Clayton	Hill	Pitts	Weston
Collier	Jones	Pool	Whigham
Cook	Kaul	Sanderson	Wood
Cope	Langley	Scott	Young
Davis (Madison)	Locke	Sessions	

—55

S. 433. To amend Sections 5, 7 and 8 of an Act approved March 2, 1937, entitled "An Act to provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water Works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply systems, and all necessary equipment and appliances incident thereto; to authorize such city or incorporated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain."

Was read a third time at length and passed.

Yeas, 54; Nays, 1.

Yeas:

Mr. Speaker	Booth	Chewning	Dearman
Allen	Boswell	Clayton	Delony
Austin	Branyon	Cobb	Dominick
Bagley	Brown (Covington)	Cook	Ellis
Barchard	Brown (Lee)	Cope	Garrett
Barnes	Carwile	Davis (Madison)	Golson

Graves	Hodo	Segrest	Tidmore
Green	Jones	Sessions	Toomer
Hall	Langley	Smyer	Tucker
Hardwick	Locke	Spence	Waller
Hare	Pool	Stallings	Welch
Haynes	Sadler	Taylor	Wood
Henson	Sanderson	Thomas	Young
Hill	Scott		

—54

Nay: Mr. Newman.

— 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 351. To amend Sections 4, 5, 7, 8, 11 and 12 of an act entitled "An Act to regulate and limit the use of the public highways in the State by Motor Trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act; and to prescribe penalties for violations thereof; and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal and Act, entitled 'An Act to prescribe the maximum size, width, length and weight, including load limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State and to prescribe penalties for violations of this Act,' and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency," approved October 6, 1932.

Also:

S. 314. To further provide for and regulate pensions for Confederate soldiers and sailors and their widows.

Also:

S. 369. To establish a more humane system for caring for the needy aged in the State of Alabama and the several counties thereof by providing for old age assistance; to define the persons entitled thereto, and to provide for the ascertainment and determination of the qualifications of applicants therefor; to further provide for and regulate the payments of pensions under the provisions of the laws authorizing the payment of Confederate pensions to Confederate

soldiers, sailors and their widows; to provide for the payment thereof; to make an appropriation for the same; to provide for the administration of such system and to define offenses against this act and to fix punishment for such offenses; and to provide for co-operation with the Government of the United States and its agencies in caring for the needy aged, and to repeal all laws in conflict herewith.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILL ON THIRD READING

S. 434. To authorize each city and incorporated town in Alabama which now or hereafter owns and operates a municipal water works to transfer and convey such water works to the control, management and operation of a water board of such municipality, and to prohibit such water board from selling or transferring such water works so as to vest title into private ownership or control except as security for money borrowed.

Was read a third time at length and passed.

Yeas, 61; Nays, 3.

Yeas:

Mr. Speaker	Davis (Madison)	Langley	Scott
Allen	Dearman	Lovelace	Segrest
Ball	Delony	Martin	Sightler
Barnes	Dobbs	Meggins	Smyer
Booth	Doster	Miller	Spence
Boswell	Ellis	McGowin	Stallings
Branyon	Flowers	Nation	Thomas
Brown (Covington)	Garrett	Norman (Lowndes)	Tidmore
Brown (Lee)	Golson	Payne	Toomer
Carwile	Graham	Peacock	Tucker
Chewning	Gwin	Petrey	Waldrop
Christopher	Hall	Pitts	Wallace
Clayton	Hill	Robertson (Cullman)	Waller
Cobb	Hodo	Robinson (St. Clair)	Welch
Cook	Jones	Sadler	Wood
Cope			

—61

Nays: Messrs.: Mayhall, Newman, Weston.

— 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment.

By Mr. McCall:

S. 511. To create and establish in and for Mobile County, Alabama, a Court of County Commissioners; to provide for the election and selection of the members of said Court; to define the powers and duties of such Court and the members thereof; to fix the compensation of the members of said Court and their terms of office, and to abolish the Board of Revenue and Road Commissioners of said County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a local bill for Mobile County will be introduced in the present session of the Legislature of Alabama, and its passage sought, the substance of which is as follows:

A BILL

to be entitled

AN ACT

To create and establish in and for Mobile County, Alabama, a Court of County Commissioners; to provide for the election and selection of the members of said Court; to define the powers and duties of such Court and the members thereof; to fix the compensation of the members of said Court and their terms of office, and to abolish the Board of Revenue and Road Commissioners of said County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created and established in and for Mobile County, Alabama, a court to be styled the Court of County Commissioners, to be composed of a President and two Commissioners, said Court and the members thereof to have the powers and authority hereinafter mentioned.

Section 2. The President of said Court and each of the Commissioners shall be elected by the qualified electors of Mobile County at the general election in November, 1942, and their first term of office shall begin at the expiration of the term of office of the present incumbents of the present Board of Revenue and Road Commissioners of said County, and shall be for four years, and until their successors are elected and qualified. Successors to the President and Commissioners elected at the general election to be held in November, 1942, shall be elected by the qualified electors of

Mobile County at the general election held in November in each four years thereafter. In all primary and general elections held to choose the members of said Court, the ballot shall separately designate and specify the candidates for President of said Court and the candidates for the Commissioners of said Court. Candidates for election to membership on said Court shall designate whether they seek the office of President or the office of Commissioner of said Court.

Section 3. In the event of a vacancy in the office of the President or either of the Commissioners of said Court, such vacancy shall be filled by appointment by the Governor, and the person so appointed shall hold office until the next biennial general election by the people, at which general election a successor shall be elected to fill the unexpired portion of the term, if any.

Section 4. That said Court of County Commissioners shall have the power and authority to direct and control the property of the County as it may deem expedient, according to law, to levy a general tax for general purposes and special taxes for particular County purposes; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit accounts of all officers having the care, management, collection or disbursement of moneys belonging to the County or appropriated for its use and benefit; to audit and allow all claims for charges and expenses for all County offices; to have exclusive control of the convict labor of the County, and the sole right and authority to bind the County in any contract for the payment of money.

Section 5. Said Court shall have all the jurisdiction and powers which are now, or may hereafter be, by law, vested in Courts of County Commissioners, Boards of Revenue, or like county governing bodies of this State by the general laws of this State, except insofar as the same may conflict with the provision of any local law relating to the Board of Revenue and Road Commissioners of said county now in effect, or the provisions of this act, and also shall have all the jurisdiction and powers which are now by local laws vested in the Board of Revenue and Road Commissioners of said County. The members of said Court shall perform all the duties and services and exercise all the powers which are, or may be, provided by law for the members of Courts of County Commissioners, Boards of Revenue, or like county governing bodies by the general laws of this State, except insofar as the same may conflict with the provisions of any local law relating to the Board of Revenue and Road Commissioners of said county now in effect, or the provisions of this act, and also shall perform all the duties and services and exercise all the powers which are now provided by local law for the members of the Board of Revenue and Road Commissioners of said county.

Section 6. The President of said Court shall be its presiding officer and shall have the same power and authority as other members in passing upon all questions and shall sign the minutes of the proceedings of the Court, and shall sign all warrants drawn on the County Treasury and all orders for the payment or disbursement of moneys or funds of said County, and it shall be his duty to receive and prepare business and obtain information for the sessions of said Court of all infractions of the revenue law in said County of which he can obtain authentic information. The President of said Court shall exercise all the powers and perform all the duties required of the Probate Judge under the general law as to matters coming before the Court of County Commissioners.

Section 7. Said Court of County Commissioners shall have the power and authority to employ a chief clerk and as many assistant clerks as are necessary for the convenient and orderly transaction of the business of said Court and shall fix and determine the amount of compensation to be paid

such chief clerk and assistants as in the discretion of such Court shall be reasonable compensation for the services required for such chief clerk and assistants.

Section 8. A majority of said Court shall constitute a quorum for the transaction of business, and no funds belonging to the County shall be drawn or paid out except as authorized by said Court, and a list or registry of all sums drawn or paid out and of the nature of the claim, and of the person in whose favor drawn or paid out, shall be kept by either the President or Chief Clerk of said Court.

Section 9. That said Court shall have the power to make rules and regulations for the conduct of all offices where the compensation of employees or any part thereof is paid out of the funds of said County.

Section 10. That it shall be the duty of said Court to keep the courthouse and other public buildings free from all posters, circulars, signs, cards and other objectionable advertising matter.

Section 11. That the President of said Court and each of said Commissioners shall devote his full time to the discharge of the duties of his office and shall hold no other lucrative position during his incumbency in office. The President of said Court shall be paid an annual salary of \$4,500.00, and each of said Commissioners shall be paid an annual salary of \$4,000.00, said salaries to be paid in equal monthly installments out of the General Fund of the County.

Section 12. That said Court shall hold regular public meetings on Tuesday of each and every week at 10 o'clock A.M., except legal holidays, and such dates as said Court may designate; it may hold such adjourned, called, special or other meetings as the business of the county may require. The President of the Court, when present, shall preside at all meetings or sessions of said Court. At the first meeting of the Court the members shall designate by a majority vote one of their number as President Pro Tem, who shall have the authority to discharge all duties that devolve upon the President of said Court, including the authority to sign warrants and bonds during the absence of the President on account of illness or any other cause.

Section 13. That said Court shall each year fix the amount of the official bond of each county officer, and each county officer shall file with the Judge of Probate of the County each year an official bond in the amount fixed by said Court, conditioned as provided by law for the faithful performance of their respective duties. That said Court may in the exercise of their discretion require of each county employee handling public funds that such employee shall each year enter into a bond in an amount to be fixed by said Court for the faithful performance of their duties and the proper accounting of all public moneys coming into their hands. That the premium on all such bonds of both officers and employees shall be payable out of the funds of the county.

Section 14. That said Court shall have the full power and authority to cause all streets, avenues, alleys, roads or other highways hereafter established which are not located in any municipality within the county and which adjoin, enter, or connect with any county, state or federal highway or road to be laid out and graded in such manner as shall be determined by said Court, and the Probate Judge or other like officer of said County shall not accept, file or record any map, plat, or diagram containing said streets, avenues, alleys, roads or other highways unless said map, plat or diagram has been approved first by said Court of County Commissioners.

Section 15. Said Court shall do and perform all acts and services and shall exercise all the powers and functions which are now by law required or authorized of the Board of Revenue and Road Commissioners of said County.

Section 16. That said Court of County Commissioners shall give the necessary care and attention to the public roads and bridges of the County. In the exercise of this duty, they shall employ a Road Engineer of known experience in road construction and maintenance, and no person shall be employed as such Engineer who does not hold a certificate of qualification from the State Board of Engineers.

Section 17. That said Court shall have the power and authority to pay the salary of any county employee or employees out of any county funds which they may deem proper.

Section 18. That the property of said County of every nature, character and description, whether real, personal or mixed, shall be under the supervision and control of the Court of County Commissioners who shall exercise the power to sell, regulate and define the use thereof, and may make such rules and regulations as they may deem prudent and expedient for the care, protection and use of such property.

Section 19. That said Court may, at its discretion, pay out of the County funds the traveling or other expenses of any county officer or employee when such officer or employee creates such expense under the order or direction of said Court.

Section 20. That the Board of Revenue and Road Commissioners of Mobile County be and the same is hereby abolished.

Section 21. That all laws and parts of laws, general, special or local, in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 22. That the provisions of this act relating to the election and qualifications of the President and Commissioners of said Court in 1942 for the term beginning at the expiration of the term of office of the present incumbents of the present Board of Revenue and Road Commissioners of Mobile County shall become effective immediately upon the passage and approval of this act, or its otherwise becoming a law, but all the other provisions hereof shall become effective at the expiration of the term of office of the present incumbents of the present Board of Revenue and Road Commissioners of Mobile County.

H. N. Curran, being sworn, says that he is Auditor of The Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register Aug. 16, 23, 30; Sept. 6, 1939.

H. N. CURRAN.

Sworn to and subscribed before me this 6th day of September, 1939.

GREG L. KENNY,

(SEAL)

Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Local Legislation No. 1, S. 511.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills, and returns same herewith to the House:

H. 968. To regulate the borrowing of money by cities having a population of one hundred thousand persons, or more, according to the last or any succeeding federal census.

Also:

H. 716. To provide for and regulate a system of Probation and Parole of persons convicted of crime in Juvenile and Domestic Relations Courts and courts of like jurisdiction in each and all counties of this State which now have a population of ninety-eight Thousand population or more, according to the last Federal Census or which shall have such population or more according to any such census hereafter taken; to authorize the suspension of the execution of sentences in such cases; to provide for the release on probation and supervision of persons on probation or parole and whose sentences are suspended; to prescribe the conditions of probation and parole; to provide for the re-arrest and recommitment of Probationers and Parolees violating their conditions of probation or parole; and to provide for the payment of costs of court in cases where execution of sentence is suspended.

Also:

H. 901. To amend an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petition hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act "To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than

sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931," approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, by adding thereto Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Sessions, the House concurred in and adopted the Senate amendment to the bill, H. 968, said Senate amendment being as follows:

Amend House Bill #968 as follows:

Amend Section 1 thereof by changing the words "one million two hundred and fifty thousand dollars", where same occur therein, to read "one million one hundred and fifty thousand dollars."

Amend Section 3 thereof by adding an additional sentence at the end thereof, to read as follows:

"The finding of a special emergency or emergencies by the Chief of the Division of Local Finance of the State Department of Finance

shall be made only after he has at the expense of the city caused to be advertised in every daily paper published in the city for two consecutive weeks that he has been called upon to pass upon the question of said emergency and stating the facts on which said emergency is by the City Governing Body said to have arisen. After said advertising, he shall set a date and conduct a public hearing and hear all parties at interest, and before said loan can be made he must certify that in his opinion the said emergency, if it exists, is of such a character that it has not in the past and will not in the future probably arise in the ordinary and usual course of the city's business and could not by the exercise of the highest degree of care and foresight have been anticipated by the governing body of such city."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Langley	Sadler
Allen	Delony	Matthews (Jackson)	Sanderson
Barnes	Devers	Mayhall	Sessions
Beck	Flowers	Meggins	Sightler
Booth	Garrett	McCord	Smyer
Boswell	Gewin	McDanal	Snyder
Branyon	Golson	McGowin	Stallings
Brown (Covington)	Graham	Owens	Stone
Brown (Lee)	Graves	Petrey	Thomas
Carwile	Green	Phillips	Toomer
Christopher	Gwin	Pitts	Tucker
Clayton	Henson	Pool	Waller
Cobb	Hodo	Quarles	Welch
Collier	Jenkins	Robertson (Cullman)	Whigham
Cook	Kaul	Robinson (Lowndes)	White
Cope	Langan	Robinson (St. Clair)	Young
Davis (Madison)			

—65

On motion of Mr. Snyder, the House concurred in and adopted Senate amendment to the bill, H. 716, said Senate amendment being as follows:

Amend Section 3 of H. B. 716 to read as follows:

"Section 3. No appeal shall be granted or allowed to any Defendant or Probationer or Parolee or prisoner from any order or judgment ordering the execution of a suspended sentence in said court, to the Circuit Court, nor shall the order of said Court be revisable by any court and defendants who are released on probation shall be deemed to have waived any right of appeal from a judgment of conviction or sentence in said Court to the Circuit or Appellate Court. If a fine is imposed or costs taxed against the Defendant and said Defendant is released on probation, or in any case the Court may direct that said fine or costs be paid in whole or partial payments and if said Defendant fail to pay such fine or

costs as directed may be sentenced by the Court for his failure to pay said fine or costs as provided by law."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	McCord	Stallings
Austin	Garrett	McDanal	Stone
Bagley	Gewin	McGowin	Taylor
Ball	Gwin	Nation	Thomas
Barchard	Hall	Newman	Tidmore
Barnes	Hardwick	Norman (Bullock)	Toomer
Carwile	Hare	Petrey	Tucker
Castleberry	Haynes	Phillips	Walden
Chewning	Hill	Pitts	Waldrop
Christopher	Hodo	Sanderson	Wallace
Clayton	Jenkins	Scott	Waller
Davis (Madison)	Jones	Segrest	Welch
Dearman	Kaul	Sessions	Weston
Delony	Locke	Sherrer	Whigham
Dobbs	Martin	Smyer	Wood
Dominick	Miller	Snyder	Young
Doster			

—65

On motion of Mr. Sightler, the House concurred in and adopted the Senate amendment to the bill, H. 901, said Senate amendment being as follows:

A BILL

To be entitled An Act to amend the title and the body of an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census

or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder, to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931," approved June 18, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That the title of an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation. To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, be, and the same is hereby, amended so as to read as follows:

"An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government; to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith."

Section 2. That the body of said Act approved March 4, 1931, referred to in the title and in Section 1 hereof, as amended by said Act approved June 18, 1931, referred to in the title hereof, be, and the same is hereby, amended so as to read as follows:

Section 1. All cities of the State of Alabama which have a population of as many as forty thousand and less than sixty-seven thousand people, according to the last Federal Census, or which shall hereafter have such a population according to any such census that may be taken hereafter, shall become organized under the commission form of government, according to the terms of this Act, and shall be known as cities of Class "C".

Section 2. In all cities of the State of Alabama which have such population, according to the last Federal census, the Governor is authorized, during the year 1911, and required to appoint four persons, to hold office as commissioners of said city, who shall hold office from the second Monday in April, 1911, until the first

Monday in October, 1915, and until their successors shall be elected and shall qualify as hereinafter provided, but after the expiration of the terms of the first commissioners, i. e., the first Monday in October, 1915, there shall be but three commissioners for any such city. The term of office of each member of the board, including the president of the commissioners, after the expiration of the term hereinbefore provided, shall be four years, and until their successors shall be elected and shall qualify as hereinafter provided. The mayor, or chief executive of every such city, shall be and become on the second Monday in April, 1911, as provided herein, the president of the board of commissioners of such city, and shall hold office until the first Monday in October, 1915. It is the intention of this Act that the commissioners appointed by the Governor in 1911, to take office on the second Monday in April, 1911, and shall hold office until the first Monday in October, 1915, and that the board of commissioners of any such city shall thereafter consist of only three members, who shall be elected by the voters of such city on the third Monday in September, 1915, and thereafter an election shall be held on the third Monday in May, 1919, and on the same day of every fourth succeeding year, including the year 1927, and on the third Monday in May, 1931, and on the same day of every fourth succeeding year.

Section 3. The provisions of this Act shall apply to and become operative in all cities not now having but which shall hereafter have a population of as many as forty thousand people, according to any Federal census that may be taken hereafter, and election may be called and such cities may become organized under this Act in the same manner, as cities having the required population at the time of the passage of this Act.

Section 4. The President and the Commissioners provided for in this Act shall be known collectively as the "Board of Commissioners of the City of _____" (name of City to be inserted), and shall be the members of the Board of Commissioners and it shall have the powers and duties hereinafter provided. The first commissioners appointed under the provisions of this Act shall qualify for office in the manner prescribed by this Act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this Act and said commissioners provided for by this Act shall forthwith take office and enter upon their duties.

Section 5. The President of the Board of Commissioners and Commissioners of such city to be known as the Board of Commissioners of said City, as provided, shall be municipal officers only,

and shall have, and possess and exercise, only the municipal powers, legislative, executive and judicial possessed and exercised by the Mayor and Board of Aldermen, and any and all other Boards, Commission and Officers of such city of any and of every sort whatsoever, except the powers conferred on the County Board of Health, insofar as they apply to said City, by State law, or by existing ordinances enacted by said City, except whatsoever power they may possess, expressly or impliedly as State officers, or such powers that are expressly or impliedly given by this Act; and all such Boards, Commissioners and officers, except those provided by this Act, shall then and there be abolished and the terms of office of any and all such officers or officials shall then and thereby cease. Said Board of Commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or County, except when acting as recorder, and then only as a committing magistrate, nor shall the offices held by them be State offices, except as herein provided; such City shall continue its existence as a body corporate under the name of

"City of _____" (inserting name of City.) It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation nor inconsistent with the provisions of this Act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may hereafter be granted to it, not inconsistent with the provisions of this Act. All laws governing such City, and not inconsistent with the provisions of this Act, shall apply to and govern said City after it shall become organized under the commission form of government provided by this Act. Said Board of Commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such City the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any City of this class is hereby repealed. All laws, ordinances and resolutions lawfully passed and in force in any such City under its former organization not inconsistent with the provisions of this Act, shall remain in force until altered or repealed, according to the provisions of this Act. The territorial limits of such City shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said City; and no right or liability either in favor of it or against it and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this Act. All employees of said City and all officials except those whose terms of office are

abolished by this Act shall continue in office until otherwise provided by said Board of Commissioners of said City, provided that this withdrawal or transfer of powers shall not apply to the powers conferred on the County Board of Health or in so far as they apply to said City by State law or by existing city ordinances, nor shall they apply to the appointment of health officers for a City, nor to persons employed by such health officers to enforce quarantine under ordinances in force in the City.

Section 6. In cities having a population of 40,000 and less than 67,000 people, the management and control of the public school therein shall be vested in a Board of Education as provided under an Act "To provide for the consolidation of the administration and control of the public school systems in any County of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other City and County Boards of Education in such counties, and provide for the manner of its selection and to define its authority." Approved September 6, 1927. All property, real, personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the City or town and no sale or purchase of real estate shall be made by any other than the Board of Education of such City or town. The Board of Education shall have full and exclusive power within the limits of the revenue appropriated for such purpose, or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and to establish and build new schools when such sites have been provided by the Board of Education and to superintend the erection thereof; to make additions, alterations, and repairs to the buildings and property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall insure to the benefit of the public schools and in a suit at law or in equity, brought upon them and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the City. Each year the board of education shall make an estimate, in detail, of the amount of money required for the proper support and maintenance of the public schools during the next scholastic year, which shall be submitted to the Board of Commissioners and the Board of Commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper, in view of all other needs of the government of the City, and of the

expected revenues from taxes and otherwise. Money so appropriated, and all money received from the school fund of the State, poll taxes and the sale of school property and the sale of bonds for school purposes, and from any other source whatever, for school purposes, shall be held by the Treasurer of the City, as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board, and countersigned by the president, or vice president, when acting as president of the Board of Education, and by the clerk of the city, and not otherwise. And no warrants shall be drawn unless in pursuance of a resolution of the board of education, entered upon its minutes. The board of education shall have full control of the public school of the city or town. It shall have power to establish schools, to discontinue any school, to consolidate schools; to prescribe courses of study and books to be used not in conflict with the general law in reference to text books, to divide the city into school divisions as circumstances may require, to employ teachers and superintendents of schools, and necessary employees, and to fix their salaries and wages, to establish and maintain high schools and prescribe rules, for the expulsion of pupils, to expel any pupil guilty of gross disobedience or wilful misconduct; to dismiss any superintendent, teacher, or employee, when in its opinion to the interest of the school require it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the districts whether owners of property or not, who desire their children to be enrolled. It shall be the duty of the board of education to examine or cause to be examined all persons at times and places fixed by it, offering as candidates for teachers' places, and when found qualified to give them certificates of qualification gratuitously, to grant diplomas without charge to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendent, and into the progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the schools for the past scholastic year and suggesting their needs for the future. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties which shall be payable to said city in the sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education,

and if so elected his bond shall stand as security for the faithful performance of his duties as clerk as well as superintendent however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received and expended. The board of commissioners shall attend to the taking of the school census, which shall be taken in the month of April, of each year, and it shall be their duty to make complete and accurate reports of the same to the superintendent of education of the State. Each incorporated city or town as a special district or embraced therein, shall receive its proportionate share of the public school revenue, to be paid over by the State superintendent of education direct to the city superintendent of schools, and by him paid over to the city treasurer.

Section 7. Every city organized under the form of government provided for by this act, shall be governed and managed by the board of commissioners provided for herein, except as otherwise provided herein. Each and every officer and employee of said city except the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act shall be selected and employed by the said board of commissioners, under its direction, and all salaries and wages paid by the said City except as otherwise provided by the terms of this Act, shall be fixed by said board of commissioners. Unless otherwise provided in this Act, the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and those holding under him, all of whom except those herein otherwise specified, shall hold office and be removable at the pleasure of the board of commissioners, except such other employees whose employment, term of office, removal and the prescription of whose duties are otherwise provided for in this Act. The powers and duties of the board of commissioners in such cities shall be distributed into and among three departments, as follows: (1) Department of public affairs; (2) Department of finance; (3) Department of public works. The powers and duties pertaining to each of said departments shall be fixed by the president of the said board of commissioners, and altered from time to time as he may deem best, for the good of the service.

Section 8. Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board but shall have no veto power. A majority of the total number of members of said board shall constitute a quorum for the transaction

of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said board or the exercise of any of the powers conferred upon it by the terms of this act or that may be hereafter conferred upon it, by this Act, except remitting fines, penalties and imprisonment. This provision shall not be construed however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissioner, officers or employees as may be created or selected by it the performance of such executive or judicial duties, and powers that are by this Act vested in said board of commissioners, as may be necessary or convenient, provided the same is done by resolution, by law or ordinance duly enacted according to the terms of this Act, where not otherwise provided. All meetings of said boards of commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvement, enacting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of said city may be called at any time to consider an act upon any emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the board of commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 9. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks, in some daily newspaper published in said City, which publication shall be

made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage and the expiration of the thirty days during which publication shall be made, as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to said board of commissioners, object to such grant, and if, during said period, such written petition or petitions signed by at least one thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election at which election the legally qualified voters of such city shall vote for or against the proposed grant as set forth in the said by-law resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance making said grant, shall be published in said city, by one publication. If at such election, the majority of the votes cast shall be in favor of said ordinance, and the making of the said proposed grant, the same shall thereupon become effective, but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the said board of commissioners after such result of said election shall be determined to pass a resolution or ordinance to that effect. No grant of any franchise, or lease, or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation except by resolution or ordinance, duly passed by the board of commissioners, at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given, except in the manner and subject to all the conditions herein provided for, as to the original grant of same. It is expressly provided, however, that the provisions of this Act shall not apply to the grant of sidetracks or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said sidetrack or switch shall not extend for a greater distance than one thousand three hundred and twenty (1,320) feet. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this Act, are hereby declared forfeited and of no validity and it shall be the duty of the com-

mission to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided this act shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired at the time of the adoption of this Act. No exclusive franchise shall ever be granted and no franchise shall ever be granted for a longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person or corporation holding a franchise for the location, construction or operation of a railroad over a portion of any street and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm, or corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and in addition to any other form of compensation any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a percent of the gross receipts, such grantee shall make and report to the commission all its gross earnings once in six months, and pay into the treasury the amounts due such city at the time said report is made. Said commission shall also have access to and the right to examine all books, receipts, files, records and documents of any such grantees to verify the correctness of such semi-annual statements and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself, the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall be-

come the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality, at an election held in accordance with the provisions of this act.

Section 10. That for the advancement of the interest of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Section 11. In every city which shall become organized according to the provisions of this Act, an initial election shall be held on the third Monday in September, 1915, for the election of three commissioners and of the three commissioners elected, that one who received the highest number of votes at the initial election shall be president of the commission and shall have the power of the president therein provided for in this Act. Thereafter an election shall be held on the third Monday in May, 1919, and on the same day of every fourth succeeding year, including the year 1927, and on the third Monday in May, 1931, and on the same day of every fourth succeeding year, for the election of the president and two other members of the board of commissioners to hold office for a term of four years from the first Monday in October in said year and until their successors shall be elected and shall qualify for office. Any person desiring to become an independent candidate at any election which may be held according to the terms of this Act for the office of president of the board or other commissioner may become such candidate by filing in the office of the judge of probate of the county in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days be-

fore the day set for such election and shall be substantially in the following form: "State of Alabama (_____ County), I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city of _____ in said State and county and reside at _____ in said city, that I desire to become a candidate for the office of _____ in said city for the term of _____ years of the election of said office to be held on the _____ day of _____ next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election (signed) _____ Subscribed and sworn to before me by said _____ on the _____ day of _____ 19____ and filed in this office for record on said day. _____ Judge of Probate." Said statement shall be accompanied by a petition signed by at least one thousand persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers of said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned, duly qualified electors of the city of _____ and residing at the places set opposite our respective names, do hereby request that the name of _____ be placed upon the official ballot as a candidate for the office of _____ in said city for the term of _____ years at the election to be held in this city on the _____ day of _____ next.

We further state that we know said _____ to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hand on this the _____ day of _____ 19____." At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions of this Act; and no ballot shall be used at any such election except the official ballot prepared as provided in this Act. At every such

election the Judge of Probate, sheriff and clerk of the circuit court of the county in which such city is situated, or a majority of them acting as an appointing board, must not more than ten nor less than five days before the holding of such election, appoint from the qualified electors of the respective voting places three inspectors and two clerks for each place of voting, and a returning officer for each precinct, to act at the place of holding elections in each precinct in such city. All candidates of political parties shall in addition to any affidavit required by such party authority make and file in the office of the judge of probate of the county in which said city is situated the affidavit required to be filed by independent candidates. All elections held under this Act shall, where applicable, and not in conflict with this act, be governed and conducted in all respects as provided under Chapter 19 of the Code of Alabama. No petition shall be required of party candidates.

Section 12. At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted which fails to comply with this requirement, and the candidates receiving the highest number of votes for such office shall be elected thereto. The candidate receiving the highest number of votes in said election shall be declared elected.

Section 13. No person shall be eligible to the office of president or member of the board of Commissioners of any city who is not duly qualified to vote in said city. In case any person after he shall have been elected and duly qualified as such commissioner, shall be declared ineligible to hold such office a successor shall be chosen as in case of a vacancy by death, resignation or from any other cause.

Section 14. Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this act, shall before entering upon the discharge of the duties of the office qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of said commissioners shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided by this act. Each commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of Five Thousand Dollars, conditioned for the faithful discharge of his duties and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city in violation of law, and said

bond before being accepted, shall be approved by the judge of probate, in and for the county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. No member of the commission nor any person holding an office or profit under them, shall hold any office of profit or trust under the laws of any State or the United States, or hold any county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years therefrom.

Section 15. No ordinance passed by the commission, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of this Act, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed.

Section 16. Whenever any vacancy shall occur in the office of the president of the board or any other commissioner of any city organized under the terms of this act then the remaining commissioner of such city shall order an election to be held not less than sixty, nor more than ninety days from the date such vacancy occurs, at which election a successor to said office for his unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in such city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and

upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor. Provided that whenever any vacancy shall occur in the office of the president or commissioner of any city organized under the terms of this act within twelve months prior to the general city election as provided by said Act, by reason of death; resignation or removal, then the successor of such commissioner so dying, resigning or removed, shall be elected by the two remaining members of the Board of Commission of such City within thirty days from the date of the death, resignation or removal of such president or commissioner so dying, resigning or removed and such successor shall serve for the unexpired term of his predecessor. Every person who shall be elected to the office of president or commissioner in any such city under the provisions of this act shall qualify for office as soon as practicable after such election, and shall be clothed with all the duties, responsibilities and powers of such office immediately upon such qualifications.

Section 17. Until the first Monday in October 1915 the salary of the president of the commission shall be forty-five hundred dollars (\$4500.00) per annum payable in monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1915 and until the first Monday in October 1919, the salary of the president of the commission shall be three thousand dollars per annum payable in monthly installments of two hundred and fifty dollars at the end of every calendar month out of the city treasury. After the first Monday in October 1919 the salary of the president of the commission shall be forty-five hundred dollars per annum payable in equal monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1919 the salary of each of the other commissioners shall be thirty-six hundred dollars per annum, which shall be paid out of the city treasury in equal monthly installments at the end of each calendar month. After the first Monday in October 1923, the salary of the President of the commission shall be \$6,000.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. After the first Monday in October 1923, the salary of each of the other commissioners shall be \$4500.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury, and the President of such Commission shall be paid for ex-officio services in a similar manner the sum of \$1500.00 per annum, and each other commissioner shall receive the sum of \$600.00 per annum on and after the first Monday in October 1927. On and

after the first Monday in October 1931 the salary of the president of the commission shall be \$7500.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. On and after the first Monday in October 1931 the salary of each of the other commissioners shall be \$5100.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. Said salaries shall include amounts heretofore paid for ex-officio services.

Section 18. It shall be legal to hold party mass meetings, conventions or primary elections for the purpose of nominating candidates for Board of Commissioners under this Act. (a) Candidates for president and commissioners of such cities may be nominated in mass meetings, conventions or primary elections as defined in Section 601 of the Code of Alabama, by any political party as defined in Section 602 of the Code of Alabama. (b) All mass meetings, conventions or primary elections under this Act shall be held on the third Monday in March 1931 and every four years thereafter for the nomination of candidates for president and commissioners of said cities, by all political parties as herein defined. (c) The beat or precinct committeemen of the county executive committee of precincts, located within or partly within said cities, shall constitute the executive committee of the political parties as defined in this Act, until committees are elected as herein provided. Said committee shall elect a chairman who shall have all the power and authority of the chairman of other committees of like character. There shall be elected in the first primary held under this act by the different political parties a committee composed of one member from each beat located within or partly within said cities and every four years thereafter. Said committee shall have all power and authority that is exercised by similar committees of the different political parties under Chapter 20 of the Code of Alabama, when not in conflict with this Act. (d) The expense of such primary elections shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of expenses of the city elections held under this Act. (e) The said committee hereby created, or other governing authority, shall, at least twenty days prior to the holding of such primary election, certify to the judges of probate of the counties in which said cities are located, the names of all candidates of their parties running for office, who are to be voted for by the voters of said cities and the judges of probate of said counties, in which said cities are situated, shall in the manner and form provided for, prepare all ballots for such primary election. (f) When it shall be desired by the city executive committee or governing authority of any political party to enter the primary election held under the provision of this Act, said committee shall give notice thereof by advertising in some news-

paper published in said city at least once a week for three consecutive weeks prior to such primary elections. (g) All persons who are qualified electors under the general laws of this State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the city executive committee or governing body of such political party. (h) Separate official ballots and other election stationery, supplies for each political party shall be printed and furnished for use at each ward or precinct and shall be of a different color for each of the political parties participating in such primary election. Across the top of the ballots shall be the words "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designations. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidate seeks nomination and in the proper place the words "Vote for One" or "Vote for Two" (or more according to the number to be elected to such office at the ensuing election.) (i) The names of the candidates for each office shall be printed in alphabetical order according to surnames, and the official ballots for primary election shall be printed in substantially the following form.

Official Primary Election Ballot

Make X Mark
Opposite Your
Choice

	Party
Ward, District or Precinct Number.....	
City of.....	
For President of Commission	
Vote for One	
John Doe	
Richard Roe	
For Commissioners	
Vote for Two	
Buck Doe	
John Doe	
Abe Martin	
Richard Roe	

(j) Where more than one political party has entered such primary election, the proper officials shall furnish to the election officials of each voting place, separate ballot boxes for each party participating in such primary. Said boxes shall be distinctively marked and the ballots of the electors of each party shall be deposited in the box assigned to and designated to that party. The returns, cer-

tificates or official list of voters, ballots, tally sheets and affidavits as to challenged votes, after the canvass of the votes shall be deposited in the ballot box of the party to which they relate. (k) At the close of the primary election at each polling place and nowhere else, the inspectors and clerks shall proceed forthwith without adjournment in a manner provided by law, in case of general election, to count the vote and make return thereof as provided by law in the case of returns of general elections. (l) The following are samples of the tally sheets and instructions for the using same in such primary elections.

Form

Primary Election

Names of Candidates	Votes Received
John Doe	
Richard Roe	

(m) The counting of the ballots and the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and results of said election shall be drawn up by said inspectors and clerks at each and every election district, precinct or ward, which shall contain all matters and things provided for in the law regulating general elections. Said certificate in this respect shall be in the following form:

We hereby certify that

John Doe - Candidate for received votes

Richard Roe - Candidate for received votes

.....

Said certificate shall be signed by each of the inspectors; one copy of same shall be forthwith posted in a conspicuous place at such polling place. A copy shall be deposited with the proper committee or governing authority of each of the political parties participating in the primary at such place as the committee or governing authority shall designate at which to receive such returns. (n) The city executive committee herein created or other governing authority of the parties participating in said primary shall, not later than Friday at noon following the election, receive the returns,

canvass the same and declare the results of said primary election. The candidate for president of the Commission receiving a majority of the votes cast shall be declared nominated for the said office. If no candidate shall receive such a majority of votes cast, then the nomination of such office shall be between the two candidates receiving the highest number of votes cast, to be decided in a second primary as herein provided. The candidate or candidates for commissioners receiving the highest number of votes cast for said office shall be declared nominated therefor, provided the votes received by said candidate or candidates shall be the majority of all votes cast for such office. In determining the number of votes cast for such office the total number of votes received by all candidates therefor, divided by the number of candidates to be nominated for such office shall be taken as a total vote cast for such office. If no candidate or if any place or places be not filled in accordance with the above, the nomination shall be decided as follows; twice as many candidates shall be considered as there are places to be filled and only those candidates receiving the highest number of votes shall be eligible to run in the second primary election as herein provided and no other name shall be printed on the ballot. The candidates receiving the majority of votes in such second primary shall be declared nominated for said office. The purpose of providing for a double primary is to insure the majority rule and that all candidates of said party shall receive a majority of votes cast in said primary. (o) The said city executive committee or other governing party or authority shall order a second primary election, to be conducted under the same rules and regulations as the first, to be held one week from the date of the said first primary for the nomination of candidates as herein above provided. A ballot commonly known as a single shot shall not be counted. Where two candidates or more are to be nominated for the same office, the voter must express his choice for as many candidates as there are offices to be filled. (p) Within not less than twenty days before the general city election to be held under this act, the said city executive committee or other governing authority shall certify to the Judge of Probate of the county in which said city is situated the name or names of each such nominee of their party as the candidates of such party for the general city election to the office for which he is nominated. (q) Each candidate for nomination may, at least twenty days before the primary present to the city executive committee of his party a list of election officers desired by him for any one or more of the districts, wards, precincts; and his city committee shall so far as practicable, make up from the list so presented to it a list of names of election officers, six in number, for each district, ward or precinct, which it will nominate to the appointing board as herein provided for appointment as of-

ficers to conduct the primary election, and the City committee shall present the list so made up by it to the said appointing board which appoints the election officers to conduct election for said cities, or at any other lawful time, which appointing board from the list so presented to it by the city committee shall select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and in the latter case if a city committee has not given a sufficient number of names for a box, then the appointing board shall supply the deficiency from electors of that party. (r) All nominations held under this act may be contested, within five days after the result has been declared, under the same conditions and on the same grounds as provided in the general election laws as to state and county officers, and as provided in this act. Such contest shall be heard and tried by the city executive committee; and whenever there is no city executive committee as above provided, then by any other governing authority of said political party. (s) The chairman of the city committee, upon the filing with him of any contest as herein provided, shall within five days call said committee together at the county seat, in which said city is located, at a time not less than ten days nor more than twenty days after the filing of such contest, to hear and determine the same. (t) Either party to said contest shall have the right of appeal to the county executive committee from the final decision of the city committee upon the same. Notice of such appeal must be filed with the county executive committee within ten days after the determination of such contest by the city executive committee, and at the time of filing such notice, such appellant shall deposit with the said county committee the sum of one hundred dollars to cover such costs and expenses as may be incurred by the county executive committee to hear and determine said appeal. (u) That the City executive committee or other governing authority of any political party whenever it deems it desirable or necessary may require an enrollment of the voters of such party in such city at any time not less than thirty days nor more than ninety days from the date of holding any primary election under this act, and at such primary elections only those voters of such political party who are lawfully enrolled shall be permitted to participate therein. This enrollment shall be made by a committee of three qualified party voters designated by said city executive committee or other governing authority of such party in such city. Such enrollment of voters shall be made at the county seat of the county in which said city is located, after giving at least twenty days notice of the time and place of such enrollment. In the event that any applicant is refused enrollment, then upon his sworn statement that he is a qualified voter of the city and possesses the qualifications prescribed by the party

calling such primary election, then his name shall thereupon be enrolled upon said list of voters. Any person who wilfully and falsely makes any such sworn statement shall be guilty of perjury. Each applicant for enrollment shall give his name, age, the post office address and the number of his voting precinct, ward or district. The list of names enrolled shall be arranged by the enrolling committee alphabetically by precinct or voting place and a copy of such list shall be filed by such enrolling committee with the city executive committee at least twenty days prior to the day of holding of such primary election for which the enrollment is made. The city executive committee shall furnish to the inspectors for such primary election in each precinct one or more copies of the enrolled voters for such precinct and such list of enrolled voters shall be those and only those entitled to participate in such primary election provided that any voter who may be otherwise qualified to participate in such primary election, but because of sickness, absence from the city or because of some other absolutely unavoidable reason was unable to secure enrollment during the period prescribed by the committee for enrollment under the provisions of this act, upon his sworn statement in writing setting out in full the reasons which unavoidable prevented his enrollment, shall by the inspectors be permitted to participate in such election even though his name is not upon the enrolled list of voters in such precinct. Any person who makes any sworn statement knowing such statement to be false shall be guilty of perjury. (v) Any qualified elector of this state whose name at the time of such primary election appears on the official list of qualified voters in said city and who may at any primary election hereafter held pursuant to law in this state, by reason of his regular business and in the performance of his regular duties, be absent from the city in which he is a qualified elector, may vote in such primary election in the manner and under the regulations hereinafter prescribed with like effect as if he were casting his vote in person at his regular and proper polling place. (w) The absent voter so entitled to vote, provided at the time he requests such ballot his name is on the official list of qualified electors in such city, may procure from the judge of probate of the county of his residence, an official ballot of the party with which such voter is affiliated, or with which he desired to affiliate in such election, and such voter shall make and subscribe the oath or affidavit hereinafter set out, and attach the same to his ballot, and forward the said ballot and affidavit in a sealed envelope by mail, postage prepaid, or otherwise, to the chairman of the city executive committee of the political party with which such voter is affiliated, or other authority as provided in sections 679 and 680 of the Code of Alabama. The chairman of the city executive committee, or other authority as provided, shall endorse on said envelope over his sig-

nature the date and hour of the receipt thereof by him, and shall safely keep the said ballot without breaking the seal thereof, and deliver the same on election day to the officers of election at the voting place of said absent voter, when and where said election officers shall open said envelope, and in the event the name of such absentee voter appears on the official list of qualified voters for said city and for said precinct or district, shall check his name off of such official voting list and cause the said ballot to be duly and properly recorded, subject, however, to challenge as in other cases provided for. The same shall be handled in all respects as if the said absentee voter were present and voting in person. (x) The judge of probate of any county in this state in which said city is situated, upon application of any qualified elector of his city, not more than twenty nor less than five days before any primary election is to be held in this state, shall deliver or forward immediately upon request of any voter in person, by agent, letter or wire to such applicant an official ballot and printed form of oath as provided for in the preceding section, for use in such election, with an envelope addressed to the chairman, or in case of vacancy in the chairmanship or disability of the chairman of the city executive committee of the party holding said election, to the secretary thereof; and in the event of a vacancy in the chairmanship and secretaryship or disability of the said chairman and secretary, then the envelope shall be directed to the judge of probate of the county in which said city is situated. The envelope in which such absent voter transmits his ballot shall be addressed to the chairman of the city executive committee of the political party with which said absent voter is affiliated, or other authority as provided for under the second preceding section, and shall be endorsed on the left hand upper corner thereof substantially as follows: "Absent Voters Bal-

lot". Primary election to be held on the _____ day of _____

19_____. From (name of voter), elector of precinct or district _____, city of _____, State of Alabama.

(y) The form of oath or affidavit which shall be attached to and accompany such ballot by such absent voter shall be sworn to before an officer authorized to take acknowledgements to deeds and shall be substantially as follows: State of Alabama, County

of _____. Before me, _____ a

_____ for said county and state this day personally appeared _____ who is (made) known to me, and who, being duly sworn, deposes and says: that his name

is _____; that he is a bona fide resident and qualified elector of precinct or district _____ city of _____, State of Alabama; that he has not voted in the primary election to be held on the _____ day of _____, 19____ and is entitled to vote therein as a member of the _____ party. That he will be absent from the city of his residence on the day of the primary by reason of his regular business and in the performance of his regular duties. That he subscribes to all the conditions and qualifications laid down by his party committee as a requisite for participation in said primary, and that he is familiar with such conditions and qualifications. (Signature of affiant.) Sworn to and subscribed before me this _____ day of _____ 19____." The officer before whom such affidavit is made shall make the following jurat: "The above named _____ appeared before me on the _____ day of _____ 19____ and being first duly sworn, did subscribe to the above affidavit:

_____ I further certify that said applicant is known to me personally as being the identical party he claims to be." (z) All primary elections held under this act shall, where applicable, and not in conflict with this act, be governed and conducted in all respects as provided under Chapter 20 of the Code of Alabama.

Section 19. Every commissioner elected by popular vote in any such city shall, within thirty days after qualifying, file with the Judge of Probate of the county and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaigning expenses and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor punishable by a fine of not more than three hundred dollars and be a ground for removal from office.

Section 20. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed by the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials or the profits thereof or services to be furnished or performed for any person, firm or corporation operating interurban, railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange, within the

territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or attorney of any corporation operating any public service utility hereinabove mentioned and described in this act within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city, any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violations of the provisions of this act shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this act.

Section 21. That all police officers and policemen, all officers of the fire department and firemen in any city organized under the provisions of this act who shall have honorably served in and been a member of the police or fire department of any such city, or of the municipal organization for twenty years continuously, which such city has immediately succeeded, and who shall have attained the age of fifty years, shall upon his application in writing to the commission of such city, be relieved and retired from active service in such police department or fire department, upon half pay, that is to say, said policeman or fireman upon being so retired, shall receive and be paid for and during his natural life an amount of money equal to one-half the salary or pay which such policeman or fireman was receiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated, provided, that the amount to be paid to any one employee hereunder shall not exceed forty dollars per month. That any officer or policeman or fireman in any such city who shall have become permanently disabled, by reason of any injury received while in the service as a member of said police or fire department, shall, upon his application in writing to the board of commissioners be relieved and retired from active service in said police or fire department upon half pay, that is to say such fireman or policeman upon being so retired, shall receive each

month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving at the time of receiving such injury while in the discharge of his duties as an officer, the same to be paid, monthly, out of any funds in the city treasury. The board of commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive any evidence in testimony offered by such applicant and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission, whether it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled has recovered from such disability, so as to enable him to earn a livelihood, then the commission may reconsider its former action and withdraw from such fireman or policeman for the future, the aforesaid half pay. Provided further, that the monthly payment to any fireman or policeman on account of permanent disability as provided in this act shall not exceed as to any one such fireman or policeman, the sum of forty dollars per month. The board of commissioners is authorized to make all necessary or proper rules and regulations effectuating the intention of this section. Any officer or policeman who shall avail himself of the provisions of this act, shall nevertheless remain members of said police department and while relieved of regular duty shall constitute a reserve of said police department, and be at all times subject to the performance of any duty that may be required by the governing body of said city; provided that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this act.

Section 22. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination.

Section 23. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election (any election) any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding such election, or who is not twenty-one years of age, or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting any

violations thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Section 24. The appointment and employment of each and every officer and employee of said city, except the health officer and such person as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act and the removal of said officers and employees shall be approved by the president of the Board of Commissioners before such appointment, employment or removal shall become effective.

Section 25. Effective the first Monday in October 1919, there is hereby created in every such city the officer of recorder of such city, and it shall be the duty of the board of commissioners of such city as soon after said date as is practicable to elect a recorder for such city, who shall have all the powers and jurisdiction which now is or hereafter may be conferred by law upon recorders of cities in the State of Alabama. Such recorder shall hold office at the pleasure of the board of commissioners and said board of commissioners shall fix his compensation and the manner and time of its payment. Whenever the recorder shall be unable for any reason to perform the duties of his office then the president of said board of commissioners shall designate some person possessing the qualifications of recorder, as provided in this act, to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. Provided that no person shall be eligible to the office of recorder of such city who is not a duly qualified elector of such city and who shall not have been admitted to the practice of law in the State of Alabama.

Section 26. All general laws of this State regulating and prescribing the conduct of municipal elections, and the qualifications and registration of voters thereat, shall apply to elections hereunder except so far as expressly modified herein.

Section 27. The judge of probate of the county in which are located the cities covered by this act shall record in a well bound book kept for that purpose all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 28. It shall be unlawful for any candidate for commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election, and

unlawful for any person to accept such hire, or make such contract for pay to solicit votes for commissioners, and any person violating this act shall be guilty of a misdemeanor, and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this act shall hereby be disqualified for and rendered ineligible to the office sought.

Section 29. No candidate for the office of commissioner can lawfully expend more than three thousand dollars of his own funds, and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provisions of this act shall hereby be disqualified from holding said office, if successful and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this act. All petitions must contain the certificate of the probate judge as to the requisite number of voters required and it shall be the duty of the probate judge of the county to ascertain that such petition does contain the requisite number of voters and attach his certificate to such a petition. The probate judge shall receive as compensation for such service ten cents for each name up to and including one hundred and two cents for each name over that number which said petition may contain. Security for the payment of such cost to be approved by the probate judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Section 30. The petitions provided by this Act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this act shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Section 31. Any city which shall have operated for more than four years under the provisions of this act may abandon such organization hereunder, and accept the provisions of the general laws of the State then applicable to cities of its population by proceeding as follows: Upon the petition of not less than three thousand qualified electors of such city a special election shall be called at which the following proposition only shall be submitted: "Shall

the City of _____ abandon its present organization and become a city under the general laws governing cities of like population?" If a majority of the votes cast at such special election shall be in favor of such proposition the officers elected at the

next succeeding election shall be those then prescribed by the general laws of the State for cities of like population, and upon the qualification of such officers, such city shall become a city under such general law of the State and the terms of office of the city under the commission shall expire. The sufficiency of such petition shall be determined, the election order and the conduct and the results declared as provided in this act for other special elections, in so far as the provisions thereof are applicable. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Section 32. Every officer or employee of any city organized under the provisions of this act and who has been or may be selected or elected by the board of commissioners, of such city, or whose compensation either wholly or in part is paid out of the treasury of such city, shall be selected or elected by the board of commissioners of such city, shall hold office at the pleasure of the board of commissioners and shall be removable by the Board of Commissioners.

Section 33. That an Act entitled, 'An Act to provide and create a Commission form of Municipal Government and to establish same in all cities of Alabama which now have, or which may hereafter have a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials and otherwise provide for the creation and maintenance of said Commission form of government, (Approved September 18, 1923)' as amended by subsequent Acts, be and the same is hereby repealed. That 'An Act to amend Section 22 of an Act to provide and create a commission form of Municipal Government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government, (Approved September 18, 1923), which became a law under

Section 125 of the Constitution of Alabama, be and the same is hereby repealed. That, 'An Act to amend Section 17 of an Act entitled, an Act to provide and create a commission form of Municipal Government and to establish same in all cities of Alabama which now have, or which may hereafter have, a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of Government, Approved September 18, 1923, (Approved August 27, 1927)', be and the same is hereby repealed. That an Act entitled, 'An Act to amend the title and Sections 1, 7, 8, 11, 12, 14, 16, 18 and 25 of an Act entitled, An Act to provide and create a Commission form of Municipal Government and to establish same in all cities of Alabama, which now have, or which may hereafter have, a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties, and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of Government, approved September 18, 1923, (Approved February 9, 1931)', be and the same is hereby repealed.

Section 34. There is hereby created a pension system which applies to all employees, except members of the regularly organized and paid Fire Departments, of all cities in the State of Alabama coming within the terms of this Act.

Section 35. Any employee of any City governed by the provisions of this Act, except members of the regularly organized and paid Fire Departments of any such City, who shall have been in the service of such City, or in the service of any City which such City has immediately succeeded, for as long as twenty consecutive years and shall have attained the age of fifty years, or who shall have been in the service thereof for as long as twenty-five years, the last ten years of which have been continuous, and shall have attained the age of fifty years, upon making written application therefor to the Board of Commissioners or other governing body of any such City, shall without medical examination or disability, be relieved and retired from active service for such City, and, upon

such retirement, such retired employee shall be paid, and the Board of Commissioners or other governing body of any such City shall order and direct the payment to such employee, monthly, during his or her natural life, a sum equal to one-half of the average monthly compensation or salary received by such employee for the City's fiscal year in which he or she received the largest salary during the five year period next preceding his or her retirement. In computing the length of service of any employee who is an applicant for retirement under the provisions hereof by reason of having been in the service of any such City for as long as twenty-five years, the last ten years of which have been continuous, such applicant shall not be allowed credit for service unless the last ten years of service shall have been continuous and unless the other fifteen years for which such applicant seeks credit shall have been in terms of not less than five continuous years. Payments hereunder to retired employees shall be made in the same manner and at the same time and from the same funds as payments of salaries and compensation are made to the regular employees of any such City. Any employee who shall avail himself of the provisions hereof shall nevertheless remain a member or employee of the department of such City to which he or she was assigned at the time of his or her retirement, or of such other department to which such retired employee may be assigned by the governing body of such City, and while relieved of regular duty such employee shall constitute a reserve or extra employee of such department and shall be at all times subject to the performance of any duty that may be required by the governing body of such City.

Section 36. The Board of Commissioners, or other governing body, of the respective cities governed by the provisions of this Act shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authority itself.

Section 37. The provisions hereof shall apply to all persons who are now or who may hereafter be in the employ of the respective cities governed by this Act, but payment of pensions hereunder shall not commence until the first day of January, 1940.

Section 38. There shall be kept by the City Clerk of each City governed by the provisions of this Act a book to be known as the "Register of Retired Employees". Such book shall contain a full and complete record of the action of the Board of Commissioners, or other governing body, of each such City, in retiring any and all employees under this Act, together with the name of each employee so retired, the date such employee entered service with such City, the periods of his or her employment, the date of retirement and the reason for such retirement. The retirement of any em-

ployee under the provisions hereof shall be by resolution of the Board of Commissioners, or other governing body, of the City which shall be spread upon the minutes of the meeting of such Board of Commissioners, or other governing body.

Section 39. In case of any dispute arising out of this Act or over the provisions hereof, or the interpretation of any of the provisions hereof, the decision of the Board of Commissioners or other governing body of the respective cities shall be final and conclusive.

Section 40. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in any wise subject to garnishment or levy of execution or attachment or other process issued out of or by any court of this State, or any other State, so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 41. This Act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee, or allowance to any public officer, servant, employee or agent after service shall have been rendered, nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or moneys paid out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by the persons to whom such payments are made. The governing body of any municipality within the provisions of this Act may, however, assign duties and impose services to be performed by the persons for whose benefit this Act is intended and may make appropriations and payments to such persons in consideration of the performance of such services or the discharge of such duties so imposed upon them.

Section 42. That any City once coming within the terms and provisions of and operating under this Act which would, by reason of a change in population based on a Federal Population Census, be placed in a classification different from that fixed by this Act so as to bring such City without the terms and provisions of this Act, shall nevertheless continue in all respects to operate under and be governed by the terms and provisions of this Act until the ninetyeth day after the first day of the first regular legislative session of the Legislature of Alabama held next after the publication by

the Federal Government of the Federal Population Census bringing about such change in classification or re-classification of such City.

Section 43. That all laws and parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed.

Section 3. If any section or provision of this Act shall be held or declared to be unconstitutional or void, such holding shall not affect or destroy the validity or constitutionality of any other section or provision of this Act which is not in and of itself void or unconstitutional.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming law in the manner provided by the Constitution.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cope	Langley	Petrey
Allen	Davis (Madison)	Locke	Phillips
Austin	Dearman	Lovelace	Pitts
Bagley	Ellis	Mayhall	Pool
Ball	Garrett	Megginson	Sanderson
Barnes	Graham	Miller	Sessions
Beck	Graves	McCord	Sherrer
Booth	Hare	McDanal	Sightler
Boswell	Haynes	McGowin	Smyer
Branyon	Henson	Nation	Snyder
Brown (Lee)	Hill	Neighbors	Taylor
Carwile	Hodo	Newman	Thomas
Castleberry	Jenkins	Norman (Bullock)	Walden
Clayton	Jones	Norman (Lowndes)	Waldrop
Cobb	Kaul	Payne	Wallace
Collier	Langan	Peacock	Waller
Cook			

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a committee on Conference on the disagreement of the two Houses on Senate amendment to the bill:

H. 847. To amend an Act entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and

operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such bridge, and to contract with such Commission with reference thereto.

Messrs. Holmes, Harris and St. John have been named as Conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

Said Governor's message being in the following words and figures to-wit:

To the Senate of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, Senate Bill No. 471 without my approval.

I suggest the following Executive Amendment which, if adopted, will meet my objection:

Strike the words "from the portion of the proceeds of the State Excise Tax on gasoline that is allocated to Mobile County" where they appear in Section 2 of said Senate Bill No. 471 and substitute therefor the following: "From the general fund of Mobile County."

Respectfully,
(Signed) Frank M. Dixon,
FRANK M. DIXON,
Governor

September 15, 1939.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill, S. 471, by majority of the whole number elected to the Senate, said vote being: Yeas, 21; Nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 25; Nays, 0.

And sends same herewith to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 471, said amendment of His Excellency, the Governor, being set out in the above and foregoing Message from the Senate.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Matthews (Jackson)	Segrest
Allen	Devers	Megginson	Sessions
Bagley	Dobbs	Miller	Sherrer
Booth	Dominick	McCord	Sightler
Boswell	Doster	McGowin	Spence
Branyon	Ellis	Nation	Stallings
Carwile	Green	Neighbors	Stone
Castleberry	Gwin	Newman	Taylor
Chewning	Hall	Payne	Thomas
Christopher	Hardwick	Peacock	Tidmore
Clayton	Hare	Petrey	Toomer
Cobb	Haynes	Pitts	Welch
Collier	Langan	Pool	Whigham
Cook	Langley	Quarles	White
Cope	Lovell	Sanderson	Wood
Davis (Madison)	Martin	Scott	Young
Dearman			

—65

And said bill:

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Hare	McGowin	Sightler
Allen	Haynes	Nation	Smyer
Ball	Henson	Neighbors	Stone
Barchard	Hill	Newman	Taylor
Boswell	Hodo	Payne	Thomas
Branyon	Jenkins	Peacock	Tidmore
Clayton	Jones	Petrey	Toomer
Cobb	Kaul	Phillips	Tucker
Collier	Langan	Pitts	Walden
Cook	Langley	Pool	Waldrop
Gewin	Locke	Sadler	Waller
Golson	Lovell	Sanderson	Weston
Graham	Martin	Scott	Whigham
Graves	Meggins	Segrest	White
Green	Miller	Sessions	Wood
Gwin	McCord	Sherrer	Young
Hall			

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of An Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and

to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

Said Conference Report being in words and figures as follows, to-wit:

REPORT OF CONFERENCE COMMITTEE ON
SENATE BILL NO. 440

To the President of the Senate:
To the Speaker of the House.

We, your Committee of Conference on the disagreement of the two Houses on Senate Bill 440, having met and considered the matter, beg leave to report as follows:

We recommend that the House recede from its amendment in words and figures as follows:

"Amend Section 5, Sub-section 6B (a) by striking therefrom the following words:

'For the purposes of this sub-section the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee; provide that nothing in this sub-section contained shall be applicable, either as an expression of policy or otherwise, to any claim on account of unemployment which shall have occurred in any week prior to the effective date hereof; this definition shall not relate to a dispute between an individual worker and his employer.'"

And that the bill be enacted without said amendment.

Respectfully submitted,

Conferees on part of Senate:

J. A. LUSK, JR.

O. D. CARLTON

J. A. SIMPSON

Conferees on part of House:

W. S. WELCH

JAS. A. HARE, JR.

And said bill, S. 440, was again read a third time at length and passed as amended by the Conference Report.

Yeas, 16; Nays, 8.

And sends same, together with the Conference Report, herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

Mr. Welch moved that the report of the Committee on Conference on the disagreement of the two houses on the House amendment to the bill, S. 440, be concurred in and adopted, said report of said Committee of Conference being set out in full in the above and foregoing Message from the Senate.

Mr. Hardwick filed the following minority report:

MINORITY REPORT OF CONFERENCE COMMITTEE OF S. B. 440.

To the President of the Senate, and the

Speaker of the House of Representatives:

I, W. G. Hardwick, member of the Committee of Conference, on the disagreement of the two Houses of Senate Bill 440, have met with the committee and considered the matter, beg leave to submit this minority report as follows: I recommend that the House does not recede from its position and that this bill be enacted with said amendment.

Respectfully,

Conferee on Part of House,
W. G. HARDWICK.

On motion of Mr. Welch, the minority report filed by Mr. Hardwick was laid upon the table.

Yeas, 54; Nays, 28.

Yeas:

Mr. Speaker	Davis (Madison)	Jones	Robinson (St. Clair)
Allen	Dobbs	Kaul	Sessions
Austin	Dominick	Langley	Smyer
Ball	Doster	Matthews (Jackson)	Spence
Branyon	Ellis	Mayhall	Stallings
Brown (Covington)	Flowers	Meggins	Thomas
Brown (Lee)	Golson	McCord	Tidmore
Carwile	Graham	McGowin	Toomer
Chewning	Graves	Nation	Walden
Christopher	Green	Norman (Lowndes)	Wallace
Clayton	Hare	Payne	Welch
Cobb	Haynes	Pitts	Whigham
Collier	Hill	Robertson (Cullman)	Young
Cook	Hodo		

—54

Nays:

Messrs.:	Devers	Peacock	Sightler
Bagley	Gewin	Phillips	Snyder
Barchard	Hardwick	Quarles	Waldrop
Barnes	Locke	Sadler	Waller
Booth	Miller	Sanderson	Weston
Boswell	Newman	Scott	White
Castleberry	Norman (Bullock)	Sherrer	Wood
Dearman			

—28

PAIR ANNOUNCED

The following pair was announced: Yea—Stone; Nay—Tucker.

The motion of Mr. Welch to concur in and adopt the report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill, S. 440, was adopted.

Yeas, 59; Nays, 8.

Yeas:

Mr. Speaker	Davis (Madison)	Kaul	Sessions
Allen	Dearman	Martin	Smyer
Austin	Devers	Matthews (Jackson)	Stallings
Ball	Dobbs	Mayhall	Taylor
Booth	Dominick	Megginson	Thomas
Boswell	Doster	Miller	Tidmore
Brown (Covington)	Ellis	McCord	Toomer
Brown (Lee)	Flowers	McDanal	Walden
Carwile	Golson	McGowin	Waldrop
Chewning	Graves	Nation	Wallace
Christopher	Green	Norman (Bullock)	Waller
Clayton	Hare	Norman (Lownes)	Welch
Cobb	Hill	Payne	Weston
Collier	Hodo	Pitts	Young
Cook	Jones	Robertson (Cullman)	

—59

Nays: Messrs.: Barchard, Hardwick, Locke, Newman, Quarles, Sadler, Sherrer, Snyder. — 8

PAIRS ANNOUNCED

The following pairs were announced:

Yea—Stone, Lovelace; Nay—Tucker, Garrett.

And said bill:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of An Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in

the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 59; Nays, 8.

Yeas:

Mr. Speaker	Davis (Madison)	Kaul	Sessions
Allen	Dearman	Martin	Smyer
Austin	Devers	Matthews (Jackson)	Stallings
Ball	Dobbs	Mayhall	Taylor
Booth	Dominick	Megginson	Thomas
Boswell	Doster	Miller	Tidmore
Brown (Covington)	Ellis	McCord	Toomer
Brown (Lee)	Flowers	McDanal	Walden
Carwile	Golson	McGowin	Waldrop
Chewning	Graves	Nation	Wallace
Christopher	Green	Norman (Bullock)	Waller
Clayton	Hare	Norman (Lowndes)	Welch
Cobb	Hill	Payne	Weston
Collier	Hodo	Pitts	Young
Cook	Jones	Robertson (Cullman)	—59

Nays: Messrs.: Barchard, Hardwick, Locke, Newman, Quarles, Sadler, Sherrer, Snyder. — 8

PAIRS ANNOUNCED

The following pairs were announced:

Yea—Stone, Lovelace; Nay—Tucker, Garrett.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two houses on Senate amendment to the bill:

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department, and other beneficiaries and as a part of such System, to create a Firemen's Pension and Relief Fund and other pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

Messrs. Simpson, Guy and Harrison were appointed as Conferencees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two houses on Senate amendment to the bill:

H. 590. To amend an act entitled an act to amend and reenact an act entitled "an act to create in all cities in the State of Alabama which now have or may hereafter have a population of as many as two hundred thousand or more people according to the last or any subsequent Federal census, special funds to be known as Policemen's Pension and Relief Funds, same to be created in connection with the regularly organized and paid Police Department of such cities; to provide for the setting apart of such funds; to create a pension and relief system applicable to members of the Police Department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the place-

ment and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term service or disability; to provide for the pensioning of members of such Police Department after twenty-five years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children of such members of such Police Department in the event of death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children for benefits; to provide that members receiving benefits shall be bona fide residents of the State in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds, and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of this Act being held unconstitutional, it shall not affect the validity of other sections or provisions; to provide when the Act shall take effect; to provide that all laws, or parts of laws, local, special or general, in conflict with this act, are hereby expressly repealed in so far as they affect this Act." Approved February 16th, 1923" and approved September 29th, 1923.

Messrs. Simpson, Guy and Harrison were appointed as Conferencees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 951. To make a further appropriation of One-Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

By a majority of the whole number elected to the Senate, said vote being: Yeas, 23; Nay, 1.

And said bill, H. 951, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 27; Nay, 1.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 687. To fix the compensation of, and to provide for the payment of the compensation and expenses of the members of the Board of Nurses' Examiners and Registration for the State of Alabama; to provide for and authorize the employment of an executive officer by said Board; to provide for and to prescribe the duties and qualifications of such executive officer; to provide for the keeping of an official register of all applicants for certificates of registration as registered nurses, to specify what such official register shall show as to each such applicant, to make said register prima facie evidence of all matters therein contained, and to provide that said register shall be open at all reasonable times to public inspection; to provide for and authorize the payment of compensation and expenses to said executive officer; to provide for the giving of bond by said executive officer, the approval thereof and the payment of the premium therefor; to provide for an audit of the books and accounts of said executive officer by the State Auditor without expense to the said Board; to provide for copies of such audit to be submitted to each member of the said Board and to the Alabama State Nurses Association; to provide for and authorize the payment of any claims heretofore incurred by the board of nurses' examiners for the State of Alabama, or hereafter incurred by the said Board of Nurses' Examiners and Registration, and the expenditure of funds received by said board for the purpose of elevating the standards of schools of nursing and promoting the educational and professional welfare of nurses and nursing in this state; and to provide that all money expended by the said Board shall be paid out of excess funds arising from examination fees and from re-registration fees and shall not be paid out of the State Treasury; and to repeal all laws in conflict with this Act, and

expressly repealing Section 1185 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1927 and approved by the Governor September 2, 1927.

Also:

H. 688. To amend Sections 1180, 1181, 1182, 1183, 1184 and 1186 of the Code of Alabama of 1923, and to amend Section 1187 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1927 and approved by the Governor September 2, 1927, and as further amended by an Act of the Legislature of 1931, and approved by the Governor July 30, 1931.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 501. To provide for the employment of a Chief-Deputy Sheriff and two Deputy Sheriffs for Baldwin County, Alabama; to prescribe their term of office, and to fix their salary, and the manner of payment:

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Mayhall	Segrest
Bagley	Gewin	Megginson	Sessions
Barchard	Golson	McGowin	Sightler
Barnes	Graham	Nation	Smyer
Branyon	Graves	Neighbors	Snyder
Brown (Covington)	Green	Newman	Spence
Brown (Lee)	Gwin	Norman (Bullock)	Stallings
Carwile	Hall	Norman (Lowndes)	Stone
Castleberry	Hardwick	Petrey	Taylor
Chewning	Henson	Phillips	Toomer
Christopher	Langan	Pitts	Waldrop
Dearman	Langley	Pool	Wallace
Delony	Locke	Robertson (Cullman)	Welch
Devers	Lovelace	Robinson (Lowndes)	Whigham
Dobbs	Martin	Robinson (St. Clair)	White
Dominick	Matthews (Jackson)	Scott	Wood
Ellis			

—65

S. 426. To Provide additional compensation for the Tax Collector and Tax Assessor of Calhoun County, Alabama to provide for the retaining by such Tax Collector and Tax Assessor of all compensation, fees, commission and allowances received by them or either of them for the collecting or assessing any ad valorem taxes for, on behalf of or that may be due any municipality or

municipal corporation in Calhoun County, Alabama; to provide that any such compensation, fees, commissions, and allowances so received and retained by them, or either of them, shall become the property of such Tax Collector or Tax Assessor and shall not be paid into the County Treasury; to provide that such compensation, fees, commission, and allowances shall be in addition to the salary and allowances provided by the Act of the legislature of Alabama approved September 13, 1935 and appearing on page 269 and 270 of the Local Acts of Alabama, 1935 and that said last named Act shall remain in effect and not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for; and to provide for the effective date of this Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Garrett	Megginson	Sightler
Allen	Gewin	Miller	Smyer
Austin	Golson	McCord	Stone
Bagley	Graves	McDanal	Taylor
Booth	Green	McGowin	Thomas
Boswell	Gwin	Nation	Tidmore
Brown (Covington)	Hall	Newman	Toomer
Brown (Lee)	Haynes	Norman (Bullock)	Tucker
Christopher	Henson	Norman (Lowndes)	Walden
Clayton	Hill	Owens	Waldrop
Cobb	Hodo	Payne	Waller
Collier	Jenkins	Phillips	Welch
Cook	Kaul	Pitts	Whigham
Cope	Langan	Pool	White
Dobbs	Lovelace	Segrest	Wood
Doster	Mayhall	Sherrer	Young
Ellis			

—65

S. 502. To provide a statute of limitations for the presentation and payment of claims against the Fine and Forfeiture Fund of Marengo County, Alabama; to provide for the time within which claims against such Fine and Forfeiture Fund shall be registered, and to provide for notice to be given holders of claims against such fund.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Barchard	Brown (Covington)	Chewning
Allen	Barnes	Brown (Lee)	Christopher
Austin	Boswell	Carwile	Clayton
Bagley	Branyon	Castleberry	Davis (Madison)

Dearman	Haynes	Norman (Bullock)	Spence
Delony	Henson	Norman (Lowndes)	Stallings
Devers	Jenkins	Phillips	Thomas
Dobbs	Jones	Pitts	Tidmore
Dominick	Kaul	Pool	Walden
Ellis	Martin	Robertson (Cullman)	Waldrop
Flowers	Matthews (Jackson)	Robinson (Lowndes)	Wallace
Gewin	Mayhall	Robinson (St. Clair)	Waller
Golson	Meggins	Sanderson	Welch
Graves	Nation	Sessions	Weston
Gwin	Neighbors	Sherrer	Whigham
Hall	Newman	Snyder	Wood
Hardwick			

—65

H. 1048. To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Martin	Pitts
Austin	Doster	Matthews (Jackson)	Snyder
Ball	Ellis	Mayhall	Spence
Barchard	Flowers	Meggins	Stone
Barnes	Garrett	Miller	Tidmore
Branyon	Gewin	McCord	Toomer
Brown (Covington)	Golson	McDanal	Tucker
Brown (Lee)	Hardwick	McGowin	Walden
Clayton	Hare	Neighbors	Waldrop
Cobb	Haynes	Newman	Wallace
Collier	Henson	Norman (Bullock)	Waller
Cook	Jenkins	Norman (Lowndes)	Welch
Cope	Langan	Owens	Weston
Davis (Madison)	Langley	Payne	Whigham
Delony	Locke	Petrey	White
Devers	Lovelace	Phillips	Wood
Dobbs			

—65

On motion of Mr. Ball the bill, H. 1048 was ordered sent forthwith to the Senate without engrossment.

H. 1042. To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langley	Sessions
Allen	Garrett	Matthews (Jackson)	Sherrer
Bagley	Gewin	Mayhall	Sightler
Ball	Golson	Megginson	Smyer
Barchard	Graham	Nation	Spence
Barnes	Graves	Newman	Stallings
Beck	Hall	Owens	Stone
Booth	Hardwick	Payne	Taylor
Boswell	Hare	Peacock	Thomas
Carwile	Haynes	Petrey	Tidmore
Castleberry	Henson	Pool	Toomer
Chewning	Hill	Quarles	Tucker
Christopher	Hodo	Sadler	Waller
Cook	Jenkins	Sanderson	Welch
Davis (Madison)	Jones	Scott	Weston
Dearman	Kaul	Segrest	Wood
Devers			

—65

On motion of Mr. Sightler the bill, H. 1042, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 195. To authorize, require and provide for payment out of any moneys not otherwise appropriated by the Legislature of the sum of Six Hundred (\$600.00) Dollars, for the relief of John W. Daniel.

Also:

H. 528. For the relief of the Creola Lumber Company, by confirming in the said Creola Lumber Company, a corporation, organized under the laws of Alabama, of Creola, Mobile County, Alabama, the title to the following described lands in Mobile County, Alabama, towit: SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West; and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 26, Township 1 South, Range 1 West. which lands are known and called "swamp and overflow" lands, but which lands are not claimed by the Alabama Insane Hospitals.

Also:

H. 1033. For the Relief of Horace Turner, Out of the Road and Bridge Fund of Mobile County, Alabama.

Also:

H. 1032. To provide that membership in any national, State or local committee of any political party, or the holding of an of-

fice in a partisan or political club, shall not disqualify a person to hold any position to which any county-wide Civil Service System is or may be applicable, under any law now or hereafter existing, providing for a county-wide Civil Service System in any County in the State of Alabama, having according to the last or any future Federal Census, a population in excess of 100,000 inhabitants, and less than 300,000 inhabitants, provided said person held the membership or office in said political party on the date of the adoption of the said Civil Service System.

Also:

H. 1008. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

Also:

H. 1036. To validate and make payable out of the General fund of Autauga County, Alabama all outstanding and unpaid warrants, issued to John A. Dickinson, as Judge of the Civil and Criminal Court of said county, and to authorize the Board of Revenue of said County to prescribe the manner in which said warrants are to be paid.

Also:

H. 871. To amend Section 4, 5, and 6 of an act entitled an act "to provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census", approved April 21st, 1936, so as to provide for the filing of protests to the valuation fixed by the Board of Equalization by any owner, or any person having any interest in any property and to provide for the time, place, hearing and filing of said protests and to authorize the Tax Assessor to provide the forms for claims of homestead exemption and the claiming of said homestead exemption.

Also:

H. 1010. To regulate the Fine and Forfeiture Fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of the Fine and Forfeiture Fund; to prescribe the duties of the County

Treasurer or other custodian of county funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

Also:

H. 1005. For the relief of Mollie Richardson and to authorize the County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

Also:

H. 1009. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement.

Also:

H. 397. Relating to the establishment and administration of retirement systems in counties having a population of three hundred thousand or more, and for the payment of benefits to the employees of such counties; and to make such other provisions to carry out the functions of this Act.

Also:

H. 1040. To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

Also:

H. 494. To appropriate the first \$400,000.00 of any surplus over and above \$750,000.00 in the State Treasurer to the credit of the

General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund.

Also:

H. 964. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

Also:

H. 772. To amend the Title and Sections 5 and 6 of the Act of the Legislature approved August 23, 1935, and entitled "An Act to create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the State and others to cooperate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories."

Also:

H. 773. To amend Sections 1, 2, 3, 11, 12, 16, 23, 30, 42, 43, 44, 51, 55, 65, 68, 69, 71, 75, 77, 90, 91, 93, 95, 97, 103, 118, 143, and 187 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to re-

wise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act."

Also:

H. 364. To consent for the State of Alabama through its Department of Conservation to cooperate with the United States Department of Agriculture in the restoration of wildlife in compliance with the Pittman-Robertson Act, said act being an Act of Congress entitled an Act "To provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" and approved September 2, 1937, and also consent of the State of Alabama through its Department of Conservation to cooperate with other Federal agencies in the restoration, and/or rehabilitation of game, fish, forests, parks and/or historical sites and monuments.

Also:

H. 681. To provide for the Director of Industrial Relations acting as Chief of the Division of Unemployment Compensation and Employment Service within the Department of Industrial Relations and to repeal all conflicting laws.

Also:

H. 732. To Amend Section 8484 of the Code of Alabama of 1923:

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 130. Naming Senate Bill No. 469 the Simpson-Brown (of Covington) Bill.

And returns same herewith to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. McGowin, the House recessed until two-thirty o'clock this afternoon.

AFTERNOON SESSION

The hour of two-thirty o'clock having arrived, the House reconvened.

RESOLUTION

The following resolution was introduced:

By Mr. Jones:

H. R. 131. Be it resolved by the House of Representatives that H. 917 and H. 1035, both by Mr. Welch, be referred to the consideration of a committee of the whole house; and

Be it further resolved that the House of Representatives forthwith resolve itself into a committee of the whole house to consider those subjects.

On motion of Mr. Jones, the rules were suspended and the H. R. 131 was adopted.

In accordance with H. R. 131, the House resolved itself into a Committee of the Whole House. The Speaker of the House named Hon. Earl McGowin, Representative from Butler County, as Chairman of the Committee of the Whole House. The Committee rose. The House was called to order by the Speaker of the House. Mr. McGowin, Chairman of the Committee of the whole House made the following report to the House:

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE OF THE
HOUSE OF REPRESENTATIVES ON THE CONSIDERATION
OF H. 917 AND H. 1035, BOTH BY MR. WELCH.

The committee of the whole house on the consideration of H. 917 and H. 1035 arose, and Mr. McGowin, Chairman of said committee, made the following report:

Mr. Speaker, the committee of the whole house on the consideration of H. 917 and H. 1035, both by Mr. Welch, has directed me, as its Chairman, to report to the House of Representatives progress on the matters before it for consideration, and to ask leave of the House of Representatives to sit again to continue its consideration of the matters before it at a future date to be designated by me, as Chairman of said committee of the whole house, and, thereafter, from time to time, until its work is completed, but in no event to exceed fifteen days.

RESOLUTION

The following resolution was introduced:

By Mr. Jones:

H. R. 132. Be it resolved by the House of Representatives that the request of the committee of the whole house on the consideration of H. 917 and H. 1035, both by Mr. Welch, for leave to sit again to continue its consideration of the matters before it at a future date to be designated by Mr. McGowin, Chairman of said committee of the whole house, and, thereafter, from time to time, until its work is completed, but in no event to exceed fifteen days, be granted.

On motion of Mr. Jones, the rules were suspended and the H. R. No. 132 was adopted.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor relative to Executive Amendment of House Bill No. 439.

Respectfully submitted,

ROLAND MUSHAT,
Secretary to the Governor.

September 15, 1939.

To the House of Representatives:

I am herewith returning to you, the Body in which it originated, House Bill No. 439 without my approval.

I suggest the following substitute for said bill as an Executive Amendment thereof, same to read as follows:

"A BILL TO BE ENTITLED AN ACT

To amend sub-division (4) of Section 345.18 of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1. Sub-division (4) of Section 345.18 of the Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, is hereby amended to read as follows:

(4) In cases under paragraph (d), subdivision 1 of this section, and in the case of any income of an estate during the period of administration or settlement permitted by subdivision (3) to be deducted from the net income upon which tax is to be paid by the fiduciary, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal year upon the basis of which such beneficiary's net income is computed. In such cases the income of a beneficiary of such estate or trust not a resident shall be taxable to the extent provided in Section 345.10, subdivision (3), for individuals other than residents, but only to the extent that the income of such trust or estate shall arise from sources within the state. For the purpose of determining any income tax due by any non-resident beneficiary of any such trust or estate, the income from intangible personal property shall not be construed to arise from sources within the state merely because the title and ownership of such intangible personal property be vested in a resident fiduciary or trust or estate or the evidence of ownership thereof be located within the state.

2. This Act shall take effect immediately upon enactment."

Respectfully,

FRANK M. DIXON

Governor.

September 15, 1939.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 439, said amendment as proposed by the Governor being set out in the above and foregoing Message from the Governor.

Yeas, 61; Nays, 0.

Yeas:

Mr. Speaker
Allen
Austin

Bagley
Barnes
Beck

Booth
Boswell
Brown (Covington)
Brown (Lee)
Carwile
Christopher

Cobb	Green	McDanal	Snyder
Collier	Hall	McGowin	Stallings
Cook	Hardwick	Nation	Taylor
Davis (Madison)	Hare	Neighbors	Thomas
Delony	Haynes	Norman (Bullock)	Tidmore
Devers	Hill	Quarles	Toomer
Dobbs	Langan	Robertson (Cullman)	Tucker
Dominick	Langley	Sadler	Wallace
Doster	Martin	Sanderson	Welch
Flowers	Mayhall	Segrest	Weston
Garrett	Megginson	Sherrer	Wood
Gewin	Miller	Smyer	Young
Golson			

-61

Which was a majority of the whole number elected to the House.

And said bill:

H. 439. To amend Sub-division (3) of Section 345.10 and Sub-division (4), of Section 345.18 of an Act entitled, "An Act to provide for the general Revenue of the State of Alabama," approved July 10, 1935.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langan	Segrest
Allen	Devers	Langley	Sherrer
Austin	Dobbs	Martin	Smyer
Bagley	Dominick	Mayhall	Snyder
Barnes	Doster	Megginson	Stallings
Beck	Flowers	Miller	Taylor
Booth	Garrett	McDanal	Thomas
Boswell	Gewin	McGowin	Tidmore
Brown (Covington)	Golson	Nation	Toomer
Brown (Lee)	Green	Neighbors	Tucker
Carwile	Hall	Norman (Bullock)	Wallace
Christopher	Hardwick	Quarles	Welch
Cobb	Hare	Robertson (Cullman)	Weston
Collier	Haynes	Sadler	Wood
Cook	Hill	Sanderson	Young
Davis (Madison)			

-61

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 982 without his approval.

Respectfully,

ROLAND MUSHAT,
Secretary to the Governor.

September 15, 1939.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 982 without my approval.

I suggest the following Executive Amendments to said Bill which, if adopted, will remove my objections thereto, namely:

To Amend the title of said Bill by adding after the words "to designate the members thereof and fix their terms of office" where said words appear together, the following words:

To provide for the election of their successors and to fix their terms of office;

Further amend said Bill by adding at the end of Section 3, thereof, the following words, namely:

Anything in this Section to the contrary notwithstanding, all of the salary of the chairman and not less than twenty-five percentum (25%) of the salaries of other members of the board shall be paid out of the general fund of said county.

Respectfully,

FRANK M. DIXON,
Governor.

September 15, 1939.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 982, said amendment as proposed by the Governor being set out in the above and foregoing Message from the Governor.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Hare	Norman (Bullock)
Austin	Dearman	Haynes	Norman (Lowndes)
Branyon	Delony	Henson	Owens
Brown (Covington)	Devers	Hill	Payne
Brown (Lee)	Dobbs	Kaul	Phillips
Carwile	Dominick	Langan	Pitts
Castleberry	Flowers	Langley	Pool
Chewning	Garrett	Lovelace	Robertson (Cullman)
Clayton	Golson	Matthews (Jackson)	Robinson (Lowndes)
Cobb	Gwin	Megginsin	Robinson (St. Clair)
Cook	Hall	McGowin	Smyer
Cope	Hardwick	Nation	Snyder

Spence	Tidmore	Wallace	Whigham
Stallings	Tucker	Waller	White
Stone	Walden	Welch	Wood
Taylor	Waldrop	Weston	Young
Thomas			

—65

Which was a majority of the whole number elected to the House.

And said bill:

H. 982. To create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said County; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Doster	Locke	Sherrer
Allen	Ellis	Lovelace	Sightler
Austin	Flowers	Martin	Smyer
Bagley	Carrett	McCord	Snyder
Ball	Gewin	McDanaI	Spence
Barnes	Golson	McGowin	Thomas
Booth	Graham	Nation	Tidmore
Boswell	Graves	Neighbors	Toomer
Castleberry	Green	Petrey	Tucker
Clayton	Gwin	Phillips	Waldrop
Cobb	Hall	Pitts	Wallace
Collier	Hill	Pool	Weston
Cook	Hodo	Quarles	Whigham
Cope	Jenkins	Scott	White
Dearman	Jones	Segrest	Wood
Delony	Langley	Sessions	Young
Devers			

—65

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 954 without his approval.

Respectfully,

ROLAND MUSHAT,
Secretary to the Governor.

September 15, 1939.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 954 without my approval.

I suggest the following Executive Amendments to said Bill which, if adopted, will remove my objections thereto, namely:

Strike from said Bill the word "authorized" where same appears therein and substitute therefor the word: "required".

Further amend said Bill by striking therefrom the following words: "public rural library service," where said words appear together in said Bill at the end of Section 1, thereof, and substitute therefor the following words: "the Public Library Service Division in the State Department of Archives and History."

Respectfully,

FRANK M. DIXON,
Governor.

September 15, 1939.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 594, said amendment as proposed by the Governor being set out in the above and foregoing Message from the Governor.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker

Allen

Bagley

Ball

Barchard

Beck

Boswell

Brown (Covington)

Chewning

Cobb

Cook

Cope

Davis (Madison)

Dearman

Delony

Dobbs

Dominick

Ellis

Flowers

Garrett

Gewin

Hall

Hardwick

Hare

Haynes

Hill

Hodo

Kaul

Langley

Locke

Martin

Mayhall

Megginson

Miller

McDanal

Nation

Neighbors

Norman (Lowndes)

Peacock

Petrey

Pitts

Robertson (Cullman)

Robinson (St. Clair)

Sanderson

Segrest

Smyer

Spence

Stallings

Thomas

Tidmore

Toomer

Tucker

Waldrop

Wallace

Welch

Wood

Young

Which was a majority of the whole number elected to the House.

And said bill:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free text books in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said text books, and to provide for the matching of Federal Funds available for public rural library service.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Locke	Sanderson
Allen	Dominick	Martin	Segrest
Bagley	Ellis	Mayhall	Smyer
Ball	Flowers	Meggins	Spence
Barchard	Garrett	Miller	Stallings
Beck	Gewin	McDanal	Thomas
Boswell	Hall	Nation	Tidmore
Brown (Covington)	Hardwick	Neighbors	Toomer
Chewning	Hare	Norman (Lowndes)	Tucker
Cobb	Haynes	Peacock	Waldrop
Cook	Hill	Petrey	Wallace
Cope	Hodo	Pitts	Welch
Davis (Madison)	Kaul	Robertson (Cullman)	Wood
Dearman	Langley	Robinson (St. Clair)	Young
Delony			

—57

Which was a majority of the whole number elected to the House.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 687. To fix the compensation of, and provide for the payment of the compensation and expenses of the members of the Board of Nurses' Examiners and Registration for the State of Alabama; to provide for and authorize the employment of an executive officer by said Board; to provide for and to prescribe the duties and qualifications of such executive officer; to provide for the keeping of an official register of all applicants for certificates of registration as registered nurses, to specify what such official

register shall show as to each such applicant, to make said register prima facie evidence of all matters therein contained, and to provide that said register shall be open at all reasonable times to public inspection; to provide for and authorize the payment of compensation and expenses to said executive officer; to provide for the giving of bond by said executive officer, the approval thereof and the payment of the premium therefor; to provide for an audit of the books and accounts of said executive officer by the State Auditor without expense to the said Board; to provide for copies of such audit to be submitted to each member of the said Board, and to the Alabama State Nurses Association; to provide for and authorize the payment of any claims heretofore incurred by the board of nurses' examiners for the State of Alabama, or hereafter incurred by the said Board of Nurses' Examiners and Registration, and the expenditure of funds received by said board for the purpose of elevating the standards of schools of nursing and promoting the educational and professional welfare of nurses and nursing in this state; and to provide that all money expended by the said Board shall be paid out of excess funds arising from examination fees and from re-registration fees and shall not be paid out of the State Treasury; and to repeal all laws in conflict with this Act, and expressly repealing Section 1185 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1927 and approved by the Governor September 2, 1927.

Also:

H. 688. To amend Sections 1180, 1181, 1182, 1183, 1184 and 1186 of the Code of Alabama of 1923, and to amend Section 1187 of the Code of Alabama of 1923, as amended by an Act of the Legislature of 1927 and approved by the Governor September 2, 1927, and as further amended by an Act of the Legislature of 1931, and approved by the Governor July 30, 1931.

Also:

H. 964. To define homesteads as herein used and to exempt such homesteads from such State ad valorem taxation.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in

the above and foregoing report of the Standing Committee on En-grossed and Enrolled Bills.

Mr. Snyder of the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 589, made the following report:

REPORT OF CONFERENCE COMMITTEE

We, the Conference Committee on the disagreement between the two Houses on the Senate substitute for House Bill 589, having met your conferees, recommend that the Senate recede from Section 37 of said Senate substitute and in lieu thereof we recommend the adoption of the following section:

SECTION 37: No person employed after the effective date of this act by any city subject hereto shall be entitled to the benefits nor subject to the burdens hereof. All benefits under the provision of this act shall be reduced each month by an amount which the beneficiary receiving the same received during the then last previous month as salary, wages or compensation from any town, city, county or the State of Alabama.

Respectfully submitted,

R. M. GUY,

J. A. SIMPSON,

KARL C. HARRISON,

Conferees on the Part of the Senate.

ROGER SNYDER,

MARK HODO,

IVY GWIN,

Conferees on the Part of the House.

On motion of Mr. Snyder, the House concurred in and adopted the Report of the Conference Committee on the disagreement of the two Houses on the Senate Substitute for the Bill, H. 589. Said Report of said Committee of Conference being set out in the above and foregoing Report of Conference Committee.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Green	McGowin	Scott
Bagley	Gwin	Nation	Segrest
Ball	Hall	Neighbors	Sessions
Barchard	Haynes	Newman	Sherrer
Barnes	Henson	Norman (Bullock)	Sightler
Beck	Hodo	Norman (Lowndes)	Smyer
Booth	Jenkins	Owens	Snyder
Boswell	Kaul	Payne	Stallings
Brown (Lee)	Langan	Peacock	Stone
Carwile	Langley	Petrey	Thomas
Castleberry	Matthews (Jackson)	Phillips	Tidmore
Chewning	Mayhall	Pitts	Waldrop
Christopher	Megginsin	Pool	Wallace
Cope	Miller	Quarles	Waller
Dobbs	McCord	Sadler	Welch
Dominick	McDanal	Sanderson	Weston
Graves			

And said bill:

H. 589. To provide for the establishment, in each city of the State of Alabama now or hereafter having a population of one hundred thousand or more according to the last or any subsequent Federal Census, of a Firemen's Pension and Relief System for present, past and future members of the fire department of each such city and for the widows, minor children and mothers of members of such fire department, and other beneficiaries and as a part of such System, to create a Firemen's Pension and Relief Fund and other pension Funds and to require contributions thereto from certain sources, including among others, contributions from the firemen engaged in service in the Fire Department in each such city, to provide a Board of Trustees for the administration, and management of such System, and for the protection, investment and distribution of said Funds, to provide a secretary for such Board of Trustees and a treasurer of said Funds and to prescribe the mode of selection, the term of office, the powers and duties and compensation of such Board of Trustees, the secretary of such Board, and the treasurer of said Funds; and to repeal Act. No. 389 of the General Session of the Legislature of 1935, approved September 9, 1935, commencing on page 847 of General Acts of Alabama of 1935, and to repeal all laws or parts of laws inconsistent or in conflict with this Act.

As amended by the Report of the Committee of Conference was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Mayhall	Sherrer
Allen	Graham	Megginson	Sightler
Austin	Graves	Miller	Smyer
Booth	Green	McCord	Snyder
Boswell	Gwin	McDanal	Spence
Branyon	Hall	Newman	Stallings
Brown (Covington)	Hardwick	Norman (Bullock)	Taylor
Clayton	Hare	Norman (Lowndes)	Walden
Cobb	Haynes	Quarles	Waldrop
Collier	Henson	Robertson (Cullman)	Wallace
Cook	Hill	Robinson (Lowndes)	Waller
Cope	Hodo	Robinson (St. Clair)	Welch
Davis (Madison)	Jenkins	Sanderson	Weston
Dearman	Jones	Scott	Whigham
Delony	Kaul	Segrest	White
Devers	Matthews (Jackson)	Sessions	Young
Ellis			

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House:

H. 771. To amend Sections 8324, 8334, 8335, 8336, and 8337 of the Code of Alabama of 1923.

Also:

H. 848. To make a special appropriation for the use of the Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard, Naval Militia, and other units of the State Militia, contingent upon the Governor finding the condition of the State Treasury to warrant such expenditures, and to provide for the manner and other conditions under which such expenditures shall be made.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo, the House concurred in and adopted the Senate amendment to the bill, H. 771, said Senate amendment being as follows:

AMEND HOUSE BILL NO. 771 AS FOLLOWS:

1. Insert the number "8347" between the number "8337" and the word "of" in the caption of the bill.

2. Strike out the words "eight dollars" and the figures "\$8.00" in Section 4 amending Code Section 8336 and insert in lieu thereof the words "three dollars" and the figures "\$3.00".

3. Strike out the figures "\$8.00" and the figures "\$25.00" in Section 6 amending Code Section 8347, and insert in lieu thereof the figures "\$3.00" and the figures "\$15.00".

Yeas, 55; Nays, 4.

Yeas:

Mr. Speaker	Castleberry	Ellis	Haynes
Allen	Chewning	Flowers	Hill
Bagley	Cobb	Garrett	Hodo
Ball	Cook	Gewin	Jones
Barnes	Cope	Golson	Langley
Boswell	Davis (Madison)	Gwin	Lovelace
Brown (Covington)	Dearman	Hall	Miller
Brown (Lee)	Dobbs	Hardwick	McGowin
Carwile	Dominick	Hare	Peacock

Petrey	Robinson (St. Clair)	Sightler	Tucker
Phillips	Sadler	Smyer	Waldrop
Pitts	Scott	Snyder	Wallace
Quarles	Segrest	Tidmore	Welch
Robertson (Cullman)	Sessions	Toomer	—55

Nays: Messrs.: Beck, Mayhall, Norman (Lowndes), Sherrer. — 4

On motion of Mr. Dominick, the House concurred in and adopted the Senate amendment to the bill, H. 848, said Senate amendment being as follows:

To amend House bill 848 by adding at the end of Section 1 thereof "The Governor is hereby authorized to use, in his discretion, any part of any unexpended balance of any annual budget allotment made by or with the approval of the Governor for or under the "Active Military Service" appropriation for the purpose of paying or satisfying the appropriation made by this Act."

Yeas, 59; Nays, 0.

Yeas:

Mr. Speaker	Devers	Jones	Quarles
Allen	Dobbs	Kaul	Robertson (Cullman)
Barnes	Dominick	Locke	Robinson (St. Clair)
Beck	Doster	Lovelace	Sadler
Boswell	Ellis	Martin	Sanderson
Branyon	Flowers	Mayhall	Smyer
Brown (Covington)	Golson	Meggins	Snyder
Brown (Lee)	Graham	Miller	Tidmore
Carwile	Green	McGowin	Tucker
Christopher	Gwin	Nation	Waldrop
Cobb	Hall	Neighbors	Wallace
Cook	Hardwick	Newman	Welch
Cope	Hare	Norman (Lowndes)	Weston
Davis (Madison)	Hill	Petrey	Young
Delony	Hodo	Pitts	—59

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the bill:

S. 268. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making of rules and regulations by the State Department of Agriculture pertaining to the examination and licensing of persons engaged in such work or services; to provide for the examination and licens-

ing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 303. Prohibiting boxing, sparring and wrestling matches and exhibitions except such boxing, sparring and wrestling matches and exhibitions as are authorized by and held under the regulation, supervision and control of the Alabama Boxing and Wrestling Commission, herein established, and relating to the powers, duties, compensation and authority of said Commission, and prescribing penalties for the violation of the provisions of this Act, or rules, regulations and orders of said Commission.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide a punishment for the wilful, malicious, or wantonly negligent setting of fire to woods, brush, prairie, grass, grain or stubble, in this state.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills and returns same herewith to the House:

H. 733. To Amend Section 8498 of the Code of Alabama of 1923:

Also:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

Also:

H. 608. To better enforce the collection of the gasoline tax; to prohibit the entry of motor vehicles into this State containing more than twenty gallons of gasoline in their tank or tanks until the State tax thereon shall have been paid and to authorize the Commissioner of Revenue to make the necessary reasonable rules and regulations for the enforcement of this act; to provide penalties for the violation of the provisions of this act.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Allen, the House concurred in and adopted the Senate amendment to the bill, H. 733, said Senate amendment being as follows:

AMEND H. B. 733 BY SUBSTITUTING THE FOLLOWING FOR SECTION 1 THEREOF:

"Section 1. That Section 8498 of the Code of Alabama of 1923 be amended so as to read as follows: 8498. **AUTHORITY OF ATTORNEY GENERAL AND POLICYHOLDERS TO INSTITUTE PROCEEDINGS.**- No action in quo warranto for the dissolution of any such domestic society shall be entertained by any court of competent jurisdiction, unless the same is made by the Attorney General. Irrespective of the matter of dissolution of any such society, the right to institute proper proceedings in any court of competent jurisdiction for the appointment of a receiver for the protection and preservation of the trust fund of any such domestic society which is being depleted and dissipated fraudulently and wrongfully, to the irreparable injury of policyholders who have a property right interest in such fund, is vested also in the Attorney General; but, in the absence of any action on the part of the Attorney General, nothing in this section shall prohibit the institu-

tion of proper proceedings in a court of competent jurisdiction by any proper party."

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Megginson	Segrest
Allen	Ellis	Miller	Sessions
Ball	Gewin	McCord	Sherrer
Beck	Golson	McGowin	Sightler
Boswell	Green	Nation	Smyer
Branyon	Hardwick	Neighbors	Thomas
Brown (Lee)	Hare	Norman (Bullock)	Tidmore
Christopher	Haynes	Norman (Lowndes)	Tucker
Cook	Hill	Peacock	Walden
Cope	Kaul	Pitts	Wallace
Davis (Madison)	Langley	Robertson (Cullman)	Waller
Dearman	Locke	Robinson (St. Clair)	Welch
Delony	Lovell	Sadler	Whigham
Devers	Mayhall	Sanderson	Wood

—56

On motion of Mr. Smyer, the House concurred in and adopted the Senate amendment to the bill, H. 976, said Senate amendment being as follows:

Substitute for H. 976:

A BILL

To be entitled An Act to exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

Be it Enacted by the Legislature of Alabama:

Section 1. Moneys, credits, securities and other intangible personal property within the state not employed in carrying on any business therein by the owner shall be deemed to be located at the domicile of the owner for purposes of death taxation and if held in trust shall not be deemed to be located in this state for purposes of death taxation because of the trustee being domiciled in this state, provided that if no other state subjects such property held in trust to death taxation, it may be deemed property having a taxable situs within this state for purposes of death taxation, and provided further that the foregoing provision shall apply only to estates of persons domiciled in a state granting a similar exemption from death taxation to estates of residents of Alabama.

Section 2. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Yeas, 54; Nays, 0.

Yeas:

Mr. Speaker	Ellis	McDanal	Sessions
Bagley	Flowers	McGowin	Smyer
Beck	Gewin	Nation	Stallings
Boswell	Golson	Neighbors	Thomas
Branyon	Green	Norman (Bullock)	Tidmore
Brown (Lee)	Hall	Norman (Lowndes)	Tucker
Cobb	Hare	Petrey	Walden
Cope	Hill	Phillips	Wallace
Davis (Madison)	Jones	Quarles	Waller
Dearman	Kaul	Robinson (St. Clair)	Welch
Delony	Langan	Sadler	Weston
Dobbs	Lovelace	Sanderson	Wood
Dominick	Mayhall	Segrest	Young
Doster	Miller		

—54

On motion of Mr. Miller, the House concurred in and adopted the Senate amendment to the bill, H. 608; said Senate amendment being as follows:

Amend H.B. 608 by adding at the end of Sec. 1 the following:

The provisions of this Act shall not apply to motor vehicles coming into Alabama from States where no limit is fixed by law on the quantity of motor fuel a motor vehicle may carry in the fuel tank thereof, to be used exclusively in the operation of such motor vehicles over the highways of Alabama in compliance with the laws of this State.

Yeas, 60; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langan	Pool
Bagley	Devers	Locke	Robertson (Cullman)
Barchard	Dobbs	Lovelace	Robinson (St. Clair)
Beck	Dominick	Mayhall	Sanderson
Boswell	Doster	Meggins	Segrest
Branyon	Flowers	Miller	Smyer
Brown (Covington)	Gewin	McCord	Thomas
Brown (Lee)	Golson	McDanal	Tidmore
Christopher	Graham	Nation	Tucker
Cobb	Green	Neighbors	Wallace
Collier	Hall	Norman (Bullock)	Welch
Cook	Haynes	Norman (Lowndes)	Weston
Cope	Hill	Peacock	White
Davis (Madison)	Jones	Petrey	Wood
Dearman	Kaul	Pitts	Young

—60

Mr. Snyder from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 590, made the following report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 590

We, your Committee on Conference, appointed to consider the differences between the two Houses with respect to House Bill No. 590, having considered the same in conference, report thereon as follows:

1. We recommend that the Senate recedes from its substitute and in lieu thereof the following substitute be adopted by the House and the Senate.

Substitute for H. 590:

A BILL

To be entitled an Act to amend Sections 3, 4 and 18 of an Act entitled "An Act to amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrant against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years of service; to provide for allowance or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923," which was approved September 29th, 1923.

Bt It Enacted by the Legislature of Alabama:

SECTION 1. That Section 3 of Act No. 502 of the Regular Session of the Legislature of Alabama of 1923, approved September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923, be, and said Section 3 hereby is, amended so as to read as follows:

"Section 3. This act shall and does create a relief system which applies to the members of the police departments of such cities, all as herein set forth; and said policemen's relief funds as provided for and created herein shall be received, obtained and created in each respective such city, first, by setting apart and paying into such funds each month out of the treasury of the respective cities affected hereby, same to be held by the governing body of every such city as other city funds are held and controlled, except as herein otherwise provided, an amount equal to six per centum of the salary of each such member of such police department for such month, and, second, by deducting from the salary of each member of such police department, and from the pension payable to any retired member of such police department now on that might hereafter be entitled to compensation or benefits from said fund each month an amount equal to six per centum of such salary or such pension for such month and paying the amount of such deductions into said policemen's relief funds. And shall such fund at any time be insufficient to pay and defray the expenses as provided in this act, such cities as are hereby affected, respectively, shall appropriate from any funds not otherwise appropriated a sufficient amount to make up such deficit and shall in its budget subsequent thereto provide for a sufficient amount to make up any anticipated deficit in said funds. Should any member of the Police Department retire from the service of such city, or be removed from the service for any cause, before becoming eligible for a pension hereunder there shall be refunded to him the full amount of the deductions from his salary paid into said fund, without interest, less one-half of the disability benefits paid to him under this act. The return of the contribution to said fund herein provided for shall be made on order of the pension board after said proof of such contribution has been made to the board. No person employed after the effective date of this amendatory act by any city subject hereto shall be entitled to the benefits nor subject to the burdens hereof. The benefits paid hereunder shall be reduced each month by the amount which the beneficiary receiving same, received during the then last previous month as salary, wages or compensation from any town, city, county or the State of Alabama.

SECTION 2. That Section 4 of Act No. 502 of the regular Session of the Legislature of Alabama of 1923, approved September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923, be, and said Section 4 hereby is, amended so as to read as follows:

"Section 4. In every such city it shall be the duty of the comptroller or other person performing the duties of treasurer to pay into said policemen's relief fund, from the respective sources described in Section 3 hereof, the respective percentages specified in said Section 3."

Section 3. That Section 5 of Act No. 502 of the regular Session of the Legislature of Alabama of 1923, approved September 20, 1923, and commencing on page 663 of the General Acts of Alabama of 1923, be, and said Section 5 hereby is, amended so as to read as follows:

"Section 5. That the fund so created, after same has come into being and is established, shall be managed by a Pension Board. Said Pension Board shall consist of the three following members: The President of the governing body of said city, who shall be Chairman of said Pension Board; one member elected by the Civil Service Board having jurisdiction over the police department of the city, which member shall be a person engaged in the banking system and who has been engaged in such business for a period of at least ten years next preceding his election; and one member elected by the members of the police department subject to the provisions of this act. The Civil Service Board and the members of the police department subject to the provisions of this act, shall elect said respective members of the Pension Board within thirty days after the approval of this act. The term of the respective elected members shall terminate on the same date on which the term of office of the president of the governing body

of the city terminates. The Civil Service Board and the members of the police department subject to the provisions of this act, within thirty days prior to the time fixed by law for the termination of the term of office of the president of the governing body of such city, shall elect successors to the elected members. It is provided, however, that any member of the Pension Board may succeed himself. In the event of a vacancy on said Board, a successor to fill the unexpired term shall be elected by the appointing authority which elected the person who last held the position vacated prior to the vacancy. The Pension Board shall direct the placement of the fund hereby created with banks so that the same may draw interest on any part not used. The Pension Board is authorized to invest such part of the fund as is not necessarily in use, in general obligation bonds issued by such city, the State of Alabama, or the United States Government. The Pension Board shall not invest any funds in any manner other than as specifically authorized in this Section." In the event any such city is subject to any civil service or merit system act the personnel Director shall be secretary of said Board.

Section 4. That Section 7 of Act No. 502 of the regular Session of the Legislature of Alabama of 1923, approved September 29, 1923, and commencing on page 663 of the General Acts of Alabama of 1923, be, and said Section 5 hereby is, amended so as to read as follows:

"Section 7. The Pension Board created by Section 5 of this act shall hear and decide all applications for relief or benefit under this act, and their decision on such applications shall be final and conclusive, and not subject to review or reversal except by such authority itself. The Board shall cause to be kept a complete and special record of all its meetings and proceedings under the provisions of this act."

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. That this act shall become effective upon passage.

Section 7. That if any section, clause or provision of this act shall be or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, clause or provision of this act which is not of itself void or unconstitutional.

Respectfully submitted,

R. M. GUY,

J. A. SIMPSON,

KARL C. HARRISON,

Conferees on Part of the Senate.

IVY J. GWIN,

MARK HODO,

ROGER SNYDER,

Conferees on part of the House.

On motion of Mr. Snyder, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate Amendment to the Bill, H. 590. Said report of said Committee of Conference being set out in the above and foregoing Conference Committee Report on House Bill 590.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker

Allen

Austin

Bagley

Ball

Brown (Covington)

Brown (Lee)

Clayton

Cobb

Collier

Cook

Cope

Davis (Madison)

Ellis

Flowers

Garrett

Graham	Kaul	Peacock	Thomas
Graves	Langan	Petrey	Tidmore
Green	Langley	Phillips	Toomer
Gwin	Locke	Pitts	Tucker
Hall	Lovelace	Pool	Walden
Hardwick	Martin	Quarles	Waldrop
Hare	Mayhall	Sightler	Wallace
Haynes	Nation	Smyer	Waller
Henson	Neighbors	Snyder	Welch
Hill	Newman	Stallings	Weston
Hodo	Owens	Stone	Whigham
Jenkins	Payne	Taylor	Young
Jones			

—65

And said bill:

H. 590. To amend an act entitled an act to amend and re-enact an act entitled "an act to create in all cities in the State of Alabama which now have or may hereafter have a population of as many as two hundred thousand or more people according to the last or any subsequent Federal census, special funds to be known as Police-men's Pension and Relief Funds, same to be created in connection with the regularly organized and paid Police Department of such cities; to provide for the setting apart of such funds; to create a pension and relief system applicable to members of the Police Department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term service or disability; to provide for the pensioning of members of such Police Department after twenty-five years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children of such members of such Police Department in the event of death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for application to be made by widows and children for benefits; to provide that members receiving benefits shall be bona fide residents of the State in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds, and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of this Act being held

unconstitutional, it shall not affect the validity of other sections or provisions; to provide when the Act shall take effect; to provide that all laws, or parts of laws, local, special or general, in conflict with this act, are hereby expressly repealed in so far as they affect this Act." Approved February 16th, 1923" and approved September 29th, 1923.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Miller	Segrest
Barchard	Doster	McCord	Sessions
Barnes	Ellis	McDanal	Sherrer
Beck	Flowers	McGowin	Sightler
Booth	Garrett	Nation	Smyer
Branyon	Gewin	Neighbors	Snyder
Brown (Covington)	Golson	Newman	Spence
Brown (Lee)	Graham	Norman (Bullock)	Waldrop
Castleberry	Graves	Norman (Lowndes)	Wallace
Chewning	Green	Peacock	Waller
Christopher	Gwin	Pool	Welch
Clayton	Hodo	Quarles	Weston
Davis (Madison)	Kaul	Robertson (Cullman)	Whigham
Dearman	Matthews (Jackson)	Robinson (Lowndes)	White
Delony	Mayhall	Robinson (St. Clair)	Wood
Devers	Megginson	Scott	Young
Dobbs			

—65

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 660 with suggested Executive Amendment.

Respectfully,

ROLAND MUSHAT,
Secretary to the Governor.

September 15, 1939.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the body in which it originated, House Bill No. 660, without my approval.

My objection to said bill is that in Section 1 thereof reference is made in two parts thereof to the Homestead Exemption Law passed and approved during the 1936-37 Special Session of the Legislature.

You have recently passed and I have this day approved House Bill No. 964, which is a rewrite of said 1936-37 Homestead Exemption Law which action was deemed necessary because of a Supreme Court advisory opinion holding that exemptions to the General Revenue Bill could not originate in the Senate, the body in which the 1936-37 Homestead Exemption Law originated.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

1. Amend said bill by striking therefrom in Section 1 thereof the following words where they appear together:

"provided by Act No. 107 of the Legislature of Alabama, Special Session 1936-37, approved February 20, 1937", for the replacement in the Public School Fund of the three-mill constitutional levy for schools and in the General fund of the one-mill levy for Soldiers' Relief and the two and one-half mills for general purposes lost by any exemption of homestead provided by legislation enacted during Special Session 1936-37 of the Legislature of Alabama shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this Act."

and insert in lieu thereof the following words:

"provided by Act No. 107 of the Legislature of Alabama, Special Session 1936-37, approved February 20, 1937", and by House Bill 964 of the Legislature of Alabama, Regular Session 1939, approved September 15, 1939, for the replacement in the Public School Fund of the three-mill constitutional levy for schools and in the General Fund of the one-mill levy for Soldiers' Relief and the two and one-half mills for general purposes lost by any exemption of homestead provided by legislation enacted during Special Session 1936-37 of the Legislature of Alabama and Regular Session 1939 of the Legislature of Alabama shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this Act."

Respectfully submitted,

FRANK M. DIXON,
Governor.

September 15, 1939.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 660, said amendment as proposed by the Governor being set out in the above and foregoing Message from the Governor.

Yeas, 61; Nay, 1.

Yeas:

Mr. Speaker	Christopher	Gewin	McCord
Allen	Collier	Golson	McGowin
Bagley	Cook	Green	Neighbors
Barchard	Cope	Gwin	Norman (Bullock)
Barnes	Davis (Madison)	Hare	Norman (Lowndes)
Beck	Dearman	Hodo	Petrey
Boswell	Delony	Jones	Phillips
Branyon	Dobbs	Langan	Pool
Brown (Covington)	Dominick	Langley	Robertson (Cullman)
Brown (Lee)	Doster	Martin	Sadler
Castleberry	Flowers	Mayhall	Segrest
Chewning	Garrett	Miller	Sessions

Smyer	Toomer	Wallace	Weston	
Stallings	Tucker	Waller	Whigham	
Thomas	Walden	Welch	Young	
Tidmore				—61

Nay: Mr. Peacock. — 1

Which was a majority of the whole number elected to the House.

And said bill:

H. 660. To amend Section XXXV of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8, 1939.

As amended by the amendment proposed by His Excellency, the Governor was again read a third time at length and passed.

Yeas, 61; Nays, 1.

Yeas:

Mr. Speaker	Davis (Madison)	Langan	Segrest
Allen	Dearman	Langley	Sessions
Bagley	Delony	Martin	Smyer
Barchard	Dobbs	Mayhall	Stallings
Barnes	Dominick	Miller	Thomas
Beck	Doster	McCord	Tidmore
Boswell	Flowers	McGowin	Toomer
Branyon	Garrett	Neighbors	Tucker
Brown (Covington)	Gewin	Norman (Bullock)	Walden
Brown (Lee)	Golson	Norman (Lowndes)	Wallace
Castleberry	Green	Petrey	Waller
Chewning	Gwin	Phillips	Welch
Christopher	Hare	Pool	Weston
Collier	Hodo	Robertson (Cullman)	Whigham
Cook	Jones	Sadler	Young
Cope			

—61

Nay: Mr. Peacock. — 1

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 734. To Amend Section 8496 of the Code of Alabama of 1923:

Also:

H. 412. To amend Section 6289 of the Code of Alabama of 1923.

Also:

H. 430. To provide for the dissolution of any building and loan association which with the approval of the Building and Loan Commissioner has sold its assets, or may hereafter sell its assets with the approval of the Commissioner of Building and Loan, and to provide for the disposition of any funds not distributed prior to such dissolution.

Also:

H. 851. To authorize the Department of Conservation to have complete management of and supervision over certain public lands and lands of public institutions. To authorize the Department of Conservation to have complete management of and supervision over all school lands as defined in Section 629 of the 1927 Alabama School Code, which lands are now vested in or which may hereafter be vested in the State of Alabama in trust for the use of schools; to empower the Director of Conservation to supervise the management and utilization of such lands; to authorize the Director of Conservation to sell timber or minerals from school lands or lease such lands; to provide for the clearing of title thereto; to provide for the disposition of revenues from such sales or leases and to further provide the method by which such revenue shall be apportioned to the proper townships; to repeal certain Sections of the Alabama School Code; to further authorize the Department of Conservation to have complete management of and supervision over all Swamp and Overflowed Lands which are now owned or which may hereafter be owned by the State of Alabama; to empower the Director of Conservation to supervise the practice of forestry thereon; to sell all merchantable timber or minerals when in his opinion same is advisable; to provide for the disposition of revenues from such sales; to have title to such land examined and cleared; to repeal certain Sections of the Code of Alabama; to further provide for the sale or exchange of school land; to further provide for the disposition of the revenue from such sales and the method by which such revenue shall be apportioned to the proper townships; to provide for the lease, exchange or sale of Swamp and Overflowed Lands and provide for the disposition of revenue from such leases or sales; to further provide for the correction of the records in the Secretary of State's office which pertain to such State Lands for the purpose of facilitating the management and supervision thereof;

Also:

H. 512. To cover into the State Treasury to the credit of the General Fund any or all moneys now in the "Special Trust Fund" created pursuant to the provisions of an Act entitled "An Act in reference to and to further provide for the general revenue of the

State of Alabama," approved October 15, 1932, which moneys accrued to said fund pursuant to the provisions of said act.

Also:

H. 521. To authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated Demonstration Farms, and located at or near those high schools formerly known as State Secondary Agricultural Schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a Demonstration Farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales and any other funds in the hands of the demonstration farm treasurer at the time of its sale; to provide for the operation of any or all of such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms.

Also:

H. 844. To amend Sections 5 and 29 of An Act of the Legislature of Alabama entitled "An Act To Provide And Regulate And Control Primary Elections For The Nomination By Political Parties of Candidates For Public Office Within The State of Alabama", approved February 25, 1931.

Also:

H. 620. To provide for a Forest Protection Fund.

Also:

H. 774. To designate the Joe Wheeler Highway consisting of that part of certain roads located in Alabama.

Also:

H. 438. To amend Sections 8970 and 8971 of the Code of Alabama of 1923, so as to provide for the trial of contested claims in the court having jurisdiction of the administration of the estate pending in said court.

Also:

H. 689. To amend Section 17 of the Department of Conservation Act of 1939, approved March 14, 1939.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill, and returns same herewith to the House:

H. 693. A bill to be entitled an act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of said state providing that each municipal corporation in said state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) shall have the further power to levy and collect an additional tax or taxes to such extent that the total annual ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%), such additional tax or taxes to be levied only when and for such purposes as shall be authorized by the qualified electors of such municipal corporation at an election called for such purpose, the adoption of such amendment not to affect, limit, modify, abridge, or impair the power of any such municipal corporation to levy and collect any special school taxes which it may now or hereafter have the right to levy and collect; and to limit the holding of such elections so that when a proposition for the levy of such additional tax or taxes is submitted to the electors and is defeated then no second election for the same purpose shall be held in one year thereafter.

Be it enacted by the Legislature of Alabama:

Section 1. The amendment to the Constitution of Alabama hereinafter set out is hereby proposed and an election of the qualified electors of said state is hereby ordered upon such proposed amendment and the day hereby appointed for such election is the day of the next general election held in said state more than three months after the adjournment of the session of the Legislature at which such amendment is proposed. Said amendment is as follows:

"Each municipal corporation in this state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) of the value of the property situated therein as assessed for state taxation dur-

ing the preceding year shall have, in addition to the power to levy and collect such ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%) in any one year on the property situated therein based on the valuation of such property as assessed for state taxation during the preceding year; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of any such municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; provided further, that the total ad valorem tax or taxes to be levied and collected by any such municipal corporation shall not exceed one per centum (1%) in any one year; and provided further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any such municipal corporation to levy and collect the special school taxes now or hereafter vested or conferred upon them, or any of them, under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum (1%) herein provided for. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall specify the purpose for which the proposed additional rate of taxation shall be authorized and shall contain the words 'For% additional rate of taxation'; and 'Against.....% additional rate of taxation'; the additional rate of taxation proposed to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the additional rate shown, by placing a cross mark before or after the words expressing his choice. The proceeds of any such additional tax so authorized at any such election shall be used only for the purpose for which the same shall be authorized at such election. Elections to authorize the levy of such additional tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy such additional tax for a specific purpose and such proposition is defeated then no second election for the same purpose shall be held in one year thereafter."

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the state once a week for four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed or partly printed and partly written the following: "Shall the following be adopted as an amendment to the Constitution of Alabama:

"Each municipal corporation in this state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) of the value of the property situated therein as assessed for state taxation during the preceding year shall have, in addition to the power to levy and collect such ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%) in any one year on the property situated therein based on the valuation of such property as assessed for state taxation during the preceding year; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of any such municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; provided further, that the total ad valorem tax or taxes to be levied and collected by any such municipal corporation shall not exceed one per centum (1%) in any one year; and provided further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any such municipal corporation to levy and collect the special school taxes now or hereafter vested or conferred upon them, or any of them, under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum (1%) herein provided for. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall specify the purpose for which the proposed additional rate of taxation shall be authorized and shall contain the words 'For _____% additional rate of taxation'; and 'Against _____% additional rate of taxation'; the additional rate of taxation proposed to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the additional rate shown, by placing a cross mark before or after the words expressing his choice. The proceeds of any such additional tax so authorized at any such election shall be used only for the purpose for which the same shall be authorized at such election. Elections to authorize the levy of such addi-

tional tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy such additional tax for a specific purpose and such proposition is defeated then no second election for the same purpose shall be held in one year thereafter.

"Yes....."

No....."

Section 4. The officers to hold the said election shall be the same officers who are appointed to conduct and who shall conduct the general election held on the date on which said amendment is to be voted on, and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

Section 5. The vote cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of the State of Alabama. The result of such election shall be known by a proclamation of the Governor.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 308. To further regulate and control officers and employees of the State of Alabama in the classified and unclassified service and to further regulate the pay plan for such officers and employees in the service of the State of Alabama.

Was read a third time at length and passed.

Yeas, 55; Nays, 2.

Yeas:

Mr. Speaker	Chewning	Garrett	Kaul
Allen	Cook	Gewin	Locke
Ball	Cope	Golson	Lovelace
Barchard	Davis (Madison)	Graham	Martin
Barnes	Dearman	Green	Mayhall
Beck	Delony	Hardwick	Miller
Boswell	Dobbs	Hare	McDanal
Branyon	Dominick	Haynes	McGowin
Brown (Covington)	Doster	Hill	Nation
Brown (Lee)	Flowers	Jones	Norman (Bullock)

Pitts	Sanderson	Stallings	Waller
Robertson (Cullman)	Segrest	Thomas	Welch
Robinson (St. Clair)	Sessions	Tucker	Weston
Sadler	Smyer	Walden	—55
<i>Nays:</i> Messrs.: Sherrer, Wood.			
— 2			

S. 366. To amend Subsection (4) of Subdivision (a) of Section 10 of the Merit System Act, approved March 2, 1939.

Was read a third time at length and passed.

Yeas, 48; Nays, 9.

<i>Yeas:</i>			
Mr. Speaker	Dobbs	Langan	Pitts
Bagley	Dominick	Langley	Robertson (Cullman)
Ball	Ellis	Lovelace	Sadler
Beck	Flowers	Martin	Sessions
Brown (Covington)	Gewin	Mayhall	Sightler
Brown (Lee)	Golson	Miller	Smyer
Castleberry	Green	McDanal	Thomas
Chewning	Gwin	McGowin	Walden
Cook	Hare	Nation	Waldrop
Davis (Madison)	Hodo	Neighbors	Waller
Dearman	Jones	Norman (Bullock)	Welch
Delony	Kaul	Payne	Weston
—48			

Nays: Messrs.: Allen, Cobb, Devers, McCord, Norman (Lowndes), Peacock, Sanderson, Sherrer, Young. — 9

S. 338. To further provide for a Merit System for officers and employees in the State service and to make more effective the provisions of the Merit System Act, approved March 2, 1939.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Devers	Langan	Pitts
Allen	Dobbs	Langley	Robertson (Cullman)
Bagley	Dominick	Lovelace	Segrest
Ball	Doster	Mayhall	Sightler
Barnes	Flowers	Meggins	Smyer
Beck	Garrett	Miller	Stallings
Brown (Covington)	Gewin	McCord	Thomas
Brown (Lee)	Golson	McDanal	Toomer
Castleberry	Gwin	McGowin	Tucker
Chewning	Hardwick	Nation	Walden
Christopher	Hare	Neighbors	Waldrop
Cobb	Haynes	Norman (Bullock)	Wallace
Cook	Hill	Payne	Waller
Cope	Hodo	Peacock	Welch
Davis (Madison)	Jones	Petrey	Weston
Dearman	Kaul	Phillips	Wood
Delony			—65

S. 173. To appropriate the sum of Three Thousand Dollars to the United Daughters of the Confederacy, which sum will complete a \$20,000 heroic bronze statue of Jefferson Davis, designed and executed by an internationally known sculptor, to be placed on the grounds of the State Capitol.

Was read a third time at length and passed.

Yeas, 78; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mayhall	Sadler
Bagley	Flowers	Miller	Sanderson
Barchard	Gewin	McCord	Segrest
Barnes	Golson	McDanal	Sightler
Beck	Graham	McGowin	Smyer
Boswell	Green	Nation	Stallings
Brown (Covington)	Gwin	Neighbors	Thomas
Brown (Lee)	Hall	Newman	Tidmore
Chewning	Hardwick	Norman (Bullock)	Toomer
Christopher	Hare	Norman (Lowndes)	Tucker
Cobb	Haynes	Payne	Walden
Collier	Hill	Peacock	Waldrop
Cook	Jones	Petrey	Wallace
Cope	Kaul	Phillips	Waller
Davis (Madison)	Langan	Pitts	Welch
Delony	Langley	Pool	Weston
Devers	Locke	Quarles	White
Dobbs	Lovell	Robertson (Cullman)	Wood
Dominick	Martin	Robinson (St. Clair)	Young
Doster	Matthews (Jackson)		

—78

Mr. Langan from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 847, made the following report:

REPORT OF CONFERENCE COMMITTEE

Montgomery, Alabama,
September 15, 1939.

To the President of the Senate and Speaker of the House:

Your Conference Committee on House Bill No. 847 respectfully reports as follows:

1. Your Conference Committee recommends that the Senate recede from Senate amendment to said bill, which amendment reads as follows:

"Amend House Bill 847 by amending subsection (o) of Section 3 thereof by adding thereto the following words 'not to exceed ten thousand dollars per annum' following the words 'for such purpose any funds' and before the words 'available to said' where they appear in said subsection (o) of Section 3."

2. Your Conference Committee recommends that the House concur in all other Senate amendments to said bill.

3. Your Conference Committee recommends that the Senate and House pass said bill as amended in accordance with this report.

Respectfully submitted,

JOSEPH N. LANGAN,

W. M. BECK,

Members of House Conference Committee.

W. C. HOLMES,

FINIS E. ST. JOHN, JR.,

Members of Senate Conference Committee.

We respectfully disagree.

NORMAN W. HARRIS,

Conferee on Part of Senate.

WALTER GEWIN,

Conferee on Part of House.

On motion of Mr. Langan, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 847.

Yeas, 54; Nays, 26.

Yeas:

Mr. Speaker	Devers	Megginson	Segrest
Barchard	Flowers	Miller	Sessions
Barnes	Garrett	McDana	Smyer
Beck	Golson	McGowin	Snyder
Boswell	Green	Neighbors	Stallings
Branyon	Gwin	Norman (Bullock)	Thomas
Brown (Covington)	Hall	Norman (Lowndes)	Toomer
Brown (Lee)	Hill	Payne	Tucker
Castleberry	Hodo	Phillips	Walden
Chewning	Jenkins	Pitts	Waldrop
Cobb	Jones	Pool	Wallace
Cook	Kaul	Sadler	Welch
Cope	Langan	Scott	Whigham
Dearman	Lovelace		

—54

Nays:

Messrs.:	Graham	Mayhall	Sherrer
Allen	Hare	Nation	Sightler
Christopher	Haynes	Newman	Weston
Davis (Madison)	Langley	Peacock	White
Delony	Locke	Quarles	Wood
Dominick	Martin	Robertson (Cullman)	Young
Doster	Matthews (Jackson)	Sanderson	

—26

PAIRS ANNOUNCED

The following pairs were announced:

Yea	Nay
Bagley	Austin
Ellis	Tidmore

Stone	Gewin
Robinson of St. Clair	McCord
Taylor	Hardwick

And said bill:

H. 847. To amend An Act, approved February 7, 1935, entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondholders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such bridges, and to contract with such commission with reference thereto.

As amended by the report of the Committee of Conference was read a third time at length and passed.

Yeas, 54; Nays, 26.

Yeas:

Mr. Speaker	Devers	Megginson	Segrest
Barchard	Flowers	Miller	Sessions
Barnes	Garrett	McDana	Smyer
Beck	Golson	McGowin	Snyder
Boswell	Green	Neighbors	Stallings
Branyon	Gwin	Norman (Bullock)	Thomas
Brown (Covington)	Hall	Norman (Lowndes)	Toomer
Brown (Lee)	Hill	Payne	Tucker
Castleberry	Hodo	Phillips	Walden
Chewning	Jenkins	Pitts	Waldrop
Cobb	Jones	Pool	Wallace
Cook	Kaul	Sadler	Welch
Cope	Langan	Scott	Whigham
Dearman	Lovelace		

—54

Nays:

Messrs.:	Graham	Mayhall	Sherrer
Allen	Hare	Nation	Sightler
Christopher	Haynes	Newman	Weston
Davis (Madison)	Langley	Peacock	White
Delony	Locke	Quarles	Wood
Dominick	Martin	Robertson (Cullman)	Young
Doster	Matthews (Jackson)	Sanderson	

—26

PAIRS ANNOUNCED

The following pairs were announced:

Yea	Nay
Bagley	Austin
Ellis	Tidmore
Stone	Gewin
Robinson of St. Clair.....	McCord
Taylor	Hardwick

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 397. Relating to the establishment and administration of retirement systems in counties having a population of three hundred thousand or more, and for the payment of benefits to the employees of such counties; and to make such other provisions to carry out the functions of this act.

Also:

H. 681. To provide for the Director of Industrial Relations acting as Chief of the Division of Unemployment Compensation and Employment Service within the Department of Industrial Relations and to repeal all conflicting laws.

Also:

H. 710. To further regulate and define the functions, duties and powers of the Commissioner of Agriculture and Industries in relation to the industrial section of the Department of Agriculture and Industries, to repeal Article 42, Sections 600-609, inclusive, of the Agriculture Code of Alabama, and all laws and parts of laws, general, special and local, in conflict herewith.

Also:

H. 772. To amend the Title and Sections 5 and 6 of the Act of the Legislature approved August 23, 1935, and entitled "An Act to create an Armory Commission for the State of Alabama and to authorize the persons named therein to form and organize a corporation to be known as the "Armory Commission of Alabama"; to specify and define its authority and duties; to authorize said Commission when incorporated to construct and maintain armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, the

State and others to co-operate in and about the construction of armories, the providing of drill and training areas and to assist in paying therefor; to authorize municipalities and counties to convey to The Armory Commission of Alabama lands owned by them on which to construct such armories, whether such lands already be used for parks or other purposes; to authorize The Armory Commission of Alabama to finance, or refinance armory buildings that have already been constructed, to finance the improvement of such armories, and to authorize The Armory Commission of Alabama to finance the construction of other or further or additional armories; and to authorize the Governor of Alabama, in his discretion, to use a part of any appropriation made for military purposes for the purpose of paying any deficit of principal or interest under any plan of financing or refinancing, adopted by The Armory Commission of Alabama for the financing, or refinancing, of armories already in existence, the construction of, improvements to or additions to, such armories already in existence and the construction of new and additional armories."

Also:

H. 773. To amend Sections 1, 2, 3, 11, 12, 16, 23, 30, 42, 43, 44, 51, 55, 65, 68, 69, 71, 75, 77, 90, 91, 93, 95, 97, 103, 118, 143, and 187 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act."

Also:

H. 782. To amend Schedule 156.11 of Chapter 4 of Article XIII of Act No. 194 of the Regular Session of the Legislature of Alabama of 1935, entitled, "An Act to provide for the general revenue of the State of Alabama," and approved July 10, 1935.

Also:

H. 951. To make a further appropriation of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 997. To amend and reenact an Act entitled "An act to create in each city of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census a Pension and Relief Fund for all employees of such city governed under civil service rules and regulations and for certain other officers and employees of such city who may elect to come under the provisions of this act, and for the widows of such officers and employees, to provide for a custodian of said Fund and to provide for the investment, protection, management and distribution of said Fund by a Board of Managers", approved January 26, 1937.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, and Senate joint resolutions, your signature thereto is requested:

S. 303. Prohibiting boxing, sparring and wrestling matches and exhibitions except such boxing, sparring and wrestling matches and exhibitions as are authorized by and held under the regulation, supervision and control of the Alabama Boxing and Wrestling Commission, herein established, and relating to the powers, duties, compensation and authority of said Commission, and prescribing penalties for the violation of the provisions of this Act, or rules, regulations and orders of said Commission.

Also:

S. 318. To provide for the time of payment of the salaries of all officers and employees of the State of Alabama.

Also:

S. 320. An Act to amend an Act entitled "An Act to authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital service", approved September 14, 1935, as amended by an Act entitled "An Act to amend Sections 5 and 12 of an Act approved September 14, 1935 entitled 'An Act to authorize, provide for and regulate non-profit corporations for the establishment, maintenance and furnishing of a plan of hospitalization and hospital Service'" approved April 21, 1936, by adding thereto a new section to be numbered "Section 12½" making the provisions of Sections 8319 to 8554 (31), inclusive, of the Code of Alabama of 1923 and any amendments thereto and any other statutes of this State applying to insurance companies inapplicable to any corporation organized under the provisions of said Act as amended, or to any contract made by such corporation, and to amend Sections 4, 11 and 12 of said Act as amended.

Also:

S. 347. To provide for the protection of the forest resources and woodlands of Alabama from fires by preventing the wilful and malicious burning of woodlands; to require the suppression of fires and to provide a punishment for the wilful, malicious, or wantonly negligent setting of fire to woods, brush, prairie, grass, grain or stubble, in this state.

Also:

S. 433. To amend Sections 5, 7 and 8 of an Act approved March 2, 1937, entitled "An Act to provide for and authorize the incorporation of a Water Works Board for the several cities and incorporated towns of Alabama; to provide for the powers and duties of such Water works Board; to authorize such board, subject to the limitations herein stated, to purchase or construct a water works system, water supply system, and all necessary equipment and appliances incident thereto; to authorize such city or incor-

porated town to purchase from said Water Works Board a sufficient supply of water necessary to supply the inhabitants of such city or incorporated town and surrounding territory; to authorize such board to borrow money and to issue revenue bonds to secure the same, payable solely from the revenues derived from the operation of such system or systems; to regulate the issuance, sale, and refunding of such bonds and of other matters in connection therewith; to regulate the use of revenues of such system or systems when such bonds are issued or authorized; to confer on such board the right of eminent domain."

Also:

S. 434. To authorize each city and incorporated town in Alabama which now or hereafter owns and operates a municipal water works to transfer and convey such water works to the control, management and operation of a water board of such municipality, and to prohibit such water board from selling or transferring such water works so as to vest title into private ownership or control except as security for money borrowed.

Also:

S. 435. To amend Subsection 21 of Section 5 of the "Department of Finance Act of 1939", approved March 7, 1939.

Also:

S. 439. To amend Sections 423 and 424 of the Alabama School Code of 1927.

Also:

S. 468. To provide for tenure of Employment of teachers in the public schools.

Also:

S. 497. To authorize and require the State Board of Education to abolish and discontinue the Daphne Normal School at Daphne, Baldwin County, Alabama, and to provide for the disposition of the appropriation for such institution.

Also:

S. 457. To provide an additional and alternative authority for the consolidation of the administration and control of the public school systems in any county of more than 55,000 population according to the last or any succeeding Federal census; to provide an additional and alternative authority for establishing a board of education in lieu of all other county and city boards of education in such counties to serve until the election of a county board of education, and to provide for the manner of the selection of a county board of education in such consolidated school systems, and to define its authority and duties.

Also:

S. 440. To amend Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of An Act entitled "an Act to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for judicial review of disputed benefit claims; to create an Unemployment Compensation Commission and to provide for its appointment, compensation and prescribe its powers and duties; to provide for the appointment and compensation of other employees and the maintenance and other expenses of such Commission; to accept the benefit of an Act of Congress, approved June 6, 1933, entitled 'An Act to provide for the establishment of a national Employment System and for cooperation with the states in the promotion of such system and for other purposes'; to provide for the creation of an Alabama State Employment Service and to prescribe its powers, duties and functions; to authorize reciprocal benefit arrangements with other states or the Federal Government; to prohibit the waiver of rights and benefits arising hereunder; to limit attorney's fees in cases arising under this Act; to regulate alienation of benefits; to provide penalties for failure to comply with or violations of this Act; to establish an Unemployment Administration Fund; to appropriate funds to maintain the same; and to retain the right to amend or repeal this Act," approved September 14, 1935, as last amended.

Also:

S. 501. To provide for the employment of a Chief-Deputy Sheriff and two Deputy Sheriffs for Baldwin County, Alabama; to prescribe their term of office, and to fix their salary, and the manner of payment:

Also:

S. 502. To provide a statute of limitations for the presentation and payment of claims against the Fine and Forfeiture Fund of Marengo County, Alabama; to provide for the time within which claims against such Fine and Forfeiture Fund shall be registered, and to provide for notice to be given holders of claims against such fund.

Also:

S. J. R. 131. Designating House Bill No. 125.

Also:

S. J. R. 129. Designating Senate Bills Nos. 204 and 294.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate joint resolutions, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended, as therein shown and as amended has adopted the following joint resolution:

H. J. R. 118. Relative to personnel of the offices of the Clerk of the House and the Secretary of the Senate during the recess of the Legislature until June 25, 1940.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones, the House non-concurred in the Senate amendment to the H. J. R. No. 118, said Senate Amendment being as follows:

Amend House Joint Resolution No. 118 as follows:

(1) Substitute in lieu of Section 2 thereof, the following:

2. That at such times as the respective Houses of the Legislature may sit as committees of the whole during such recess, the Lieutenant-Governor, the Clerk of the House of Representatives, the Assistant Clerk, the second Assistant Clerk, the Reading Clerk, the Chief Clerk of the House and five Assistants, who shall be well-qualified Stenographers to be appointed by the Clerk of the House; the Secretary of the Senate, the Assistant Secretary, the second Assistant Secretary; the Chief Clerk, the Reading Clerk and five Assistants, who shall be well-qualified Stenographers, to be appointed by the Secretary of the Senate, shall be retained, and shall receive the per diem as now provided by law.

(2) Amend Section 3 thereof by striking therefrom where they immediately follow, "Secretary of the Senate and" the words, "one assistant to be appointed by him" and substitute in lieu thereof "the Reading Clerk of the Senate".

(3) Change the period at the end of the Resolution in Section 3 to a semi-colon and add the following words, "and the Clerk of the House and the assistant to be appointed by him and the Secretary of the Senate and the Reading Clerk of the Senate shall render all aid, assistance and attendance to and upon the Code Committee as may be requested by such Committee".

On motion of Mr. Jones, a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the H. J. R. No. 118. The Speaker named as the Committee of Conference on the part of the House, Messrs. Jones, McGowin and Pitts.

BILL ON THIRD READING

S. 258. To provide for the payment of the salary and traveling expenses of the State Highway Director out of the funds in the State Treasury to the credit of the State Highway Department; and to appropriate from said funds a sufficient sum for the payment of the same.

Was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Devers	Kaul	Pool
Barnes	Dobbs	Lovelace	Robertson (Cullman)
Beck	Dominick	Martin	Sadler
Brown (Covington)	Doster	Mayhall	Sanderson
Brown (Lee)	Flowers	Meggins	Sessions
Carwile	Garrett	Miller	Sherrer
Chewning	Gewin	McDanal	Thomas
Christopher	Golson	McGowin	Toomer
Cobb	Green	Nation	Tucker
Cook	Hall	Norman (Bullock)	Walden
Cope	Hardwick	Payne	Wallace
Davis (Madison)	Hare	Petrey	Waller
Dearman	Hill	Phillips	Welch
Delony	Jones	Pitts	Young

—56

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 982. To create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said county; to prescribe the duties, powers and authority of said

Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide for the election of their successors and to fix their terms of office; to provide the effective date of said act, and to repeal all laws, and parts of laws, in conflict.

By a majority of the whole number elected to the Senate, said vote being: Yeas, 23; Nays, 0.

And said bill, H. 982, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 23; Nays, 0.

And return same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 439. To amend sub-division (4) of Section 345.18 of an Act entitled "An Act to Provide for the General Revenue of the State of Alabama", approved July 10, 1935.

By a majority of the whole number elected to the Senate, said vote being: Yeas, 25; Nays, 0.

And said bill, H. 439, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 594. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to pro-

vide that the State Board of Education shall make regulations for the proper care of said textbooks, and to provide for the matching of Federal funds available for public rural library service.

By a majority of the whole number elected to the Senate, said vote being: Yeas, 27; Nays, 0.

And said bill, H. 954, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 25; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 590. To amend Sections 3, 4 and 18 of an Act entitled "An Act to amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds, and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief; and for the drawing of warrant against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years of service; to provide for allowances or benefits to widows and children and dependent widowed mothers

of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923," which was approved September 29th, 1923.

And said bill, H. 590, as thus amended by the Report of the Committee on Conference, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

And said bill, H. 590, together with the Report of the Committee on Conference is herewith returned to the House.

J. E. Speight,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. Sherrer:

H. J. R. 133. Be it resolved by the House of Representatives, the Senate concurring, that the authorities charged with the duty of selecting a name for the bridge to Dauphin Island be urged to name the bridge the Frank M. Dixon Bridge, and to place the name of Frank M. Dixon at a conspicuous place at each end of said bridge so that all persons passing over the bridge may see the same; and

Be it further resolved that the authorities in charge of said bridge be urged to place a bronze likeness of Frank M. Dixon in a conspicuous place at each end of said bridge so that all persons passing over the bridge may see the same; and

Be it further resolved that the authorities in charge of said bridge be urged to place bronze plaques containing the roll call of the House of Representatives and the Senate of Alabama on the passage of H. 847, commonly known as the Dauphin Island

Bridge Bill, giving the names of all members of the respective houses voting for and against the passage of said bill, in a conspicuous place at each end of said bridge, so that all persons passing over the bridge may see the same.

And the H. J. R. 133 was referred to the Committee on Rules.

BILLS ON THIRD READING

S. 157. To authorize the use of \$2,000.00 set apart for the purchase of a homestead under Section 7943 or Section 7944 of the Code of 1923, for other uses or purposes than the purchase of a homestead where upon a proper hearing and proof it is determined by the Probate Judge or the Judge of the Circuit Court, in Equity, that such other use or purpose will be to the best interests of said widow or minor child or children; providing for the hearing of said cause and the appointment of a guardian ad litem to represent the interests of said minor or minors.

Was read a third time at length and passed.

Yeas, 46; Nays, 11.

Yeas:

Mr. Speaker	Doster	Martin	Pitts
Allen	Flowers	Megginson	Quarles
Bagley	Garrett	Miller	Robertson (Cullman)
Beck	Gewin	McDanal	Sadler
Brown (Covington)	Golson	McGowin	Scott
Castleberry	Green	Nation	Segrest
Chewning	Gwin	Norman (Bullock)	Spence
Cook	Hare	Norman (Lowndes)	Thomas
Cope	Hill	Payne	Wallace
Delony	Jones	Peacock	Waller
Dobbs	Langan	Petrey	Young
Dominick	Langley		

—46

Nays:

Messrs.:	Hardwick	Matthews (Jackson)	Sightler
Carwile	Jenkins	Newman	Smyer
Ellis	Locke	Robinson (St. Clair)	Welch

—11

(With amendment):

S. 270. To authorize the employment of a full-time County Engineer and to fix the minimum and maximum compensation of such office; to prescribe qualifications of such office; to prescribe his duties and authority; to authorize the State Highway Director to supplement funds for the payment of salary; to repeal all laws in conflict and to fix the time when this Act shall become effective.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Public Roads

and Highways, said committee amendment being as follows:

Amend Senate Bill No. 270 by striking therefrom the figures \$4,000.00 where the same appears in Section 1 and adding in lieu thereof the figures \$3,000.00.

On motion of Mr. Hare, the amendment reported by the Standing Committee on Public Roads and Highways to the bill, S. 270, was laid upon the table.

And said bill:

S. 270. To authorize the employment of a full-time County Engineer and to fix the minimum and maximum compensation of such office; to prescribe qualifications of such office; to prescribe his duties and authority; to authorize the State Highway Director to supplement funds for the payment of salary; to repeal all laws in conflict and to fix the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas, 46; Nays, 9.

Yeas:

Mr. Speaker	Dearman	Hodo	Pitts
Bagley	Delony	Jenkins	Robertson (Cullman)
Ball	Devers	Jones	Sanderson
Beck	Dominick	Langan	Scott
Boswell	Ellis	Martin	Segrest
Brown (Covington)	Flowers	Matthews (Jackson)	Sightler
Carwile	Garrett	Miller	Thomas
Castleberry	Gewin	McDanal	Tucker
Chewning	Graham	Nation	Waldrop
Christopher	Gwin	Neighbors	Wallace
Cook	Hare	Payne	Whigham
Davis (Madison)	Hill		

—46

Nays:

Messrs.:	Kaul	Peacock	Smyer
Allen	Meggins	Sherrer	Welch
Barnes	Newman		

— 9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 589. To amend and reenact the act entitled "An Act to create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees

of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such funds; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statement to be made to the Treasurer or Comptroller of such cities by all persons, firms or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the state of Alabama, to provide for verified statements to be made by such property owners, to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement; and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective

Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectfully under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.", approved September 9, 1935.

And said bill, H. 589, as thus amended by the Report of the Committee on Conference, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

And said bill, H. 589, together with the Report of the Committee on Conference is herewith returned to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 329. To amend Sections 10 and 11 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of Lawyers", Approved August 9th, 1923, as said Sections 10 and 11 of said Act were heretofore amended by an Act approved June 6th, 1931.

Was read a third time at length and passed.

Yeas, 55; Nays, 4.

Yeas:

Mr. Speaker	Doster	Martin	Segrest
Allen	Ellis	Mayhall	Sessions
Bagley	Flowers	Miller	Sightler
Ball	Garrett	McCord	Smyer
Beck	Gewin	McDana	Spence
Boswell	Golson	Nation	Stallings
Chewning	Green	Neighbors	Thomas
Cope	Gwin	Newman	Wallace
Davis (Madison)	Hardwick	Payne	Waller
Dearman	Hare	Pitts	Welch
Delony	Haynes	Robertson (Cullman)	Weston
Devers	Hill	Sadler	Wood
Dobbs	Jones	Sanderson	Young
Dominick	Lovelace	Scott	

—55

Nays:

Messrs.:	Kaul	Matthews (Jackson)	Sherrer
Christopher			

— 4

S. 346. To amend Sections 9 and 11 of an Act entitled "An Act to provide for a finding by the Legislature that the production of milk and proper control of its marketing is in the public interest and is necessary for adequate and proper supply of a wholesome food throughout all seasons of the year in the interest of general health and well-being of the public generally; to create a State Milk Control Board; to provide for the appointment and removal of its members; to define its powers and duties; to fix the compensation of its members; to empower the State Milk Control Board with authority to employ necessary help to fix their compensation; to make and enforce necessary rules and regulations for the enforcement of said law; to cooperate with other governmental agencies tending to bring about a uniform system of milk control regulations; to provide for the creation and dissolution of milk sheds, or their diminution or enlargement from time to time; to provide for a review of any order or ruling of the Board; to provide for the fixation, regulation and collection of license fees for milk dealers, distributors, producer-distributors, producers and stores; to regulate and fix minimum or maximum prices; to provide for the issuance of licenses; to aid in the prosecution of any violation of statutory laws that are in existence or that may be amended or enacted for the preservation of the property of those engaged in the dairy industry or the marketing of dairy products; to enforce the rules, findings and decrees of the State Milk Control Board, defining certain terms and commodities such as: Milk Control Board, person, milk dealer, distributor, producer, milk shed, processor, milk, fluid milk, consumer, store, producer-distributor, wholesale producer,

licensee; providing for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.", approved March 20, 1939.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langley	Robertson (Cullman)
Allen	Dobbs	Lovelace	Sadler
Ball	Dominick	Martin	Scott
Barchard	Doster	Matthews (Jackson)	Sessions
Beck	Flowers	Mayhall	Sightler
Branyon	Garrett	Megginson	Spence
Carwile	Gewin	Miller	Stallings
Castleberry	Golson	McDanal	Thomas
Chewning	Graham	Nation	Waller
Christopher	Green	Neighbors	Welch
Collier	Hall	Phillips	Weston
Cook	Hardwick	Pitts	White
Cope	Hare	Pool	Wood
Davis (Madison)	Henson	Quarles	Young
Dearman	Jones		

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 437. Concerning the ascertainment of principal and income and the apportionment of Receipts and Expenses among Tenants and Remaindermen, and to make uniform the Law with Reference Thereto.

Also:

H. 745. To amend Sections 17, 28, 31, 39 and 41 of an Act entitled "An Act to further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottom when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons,

firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marked authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provision of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provision of this Act, to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests

for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain time of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/ or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes, approved March 1, 1937.

Also:

H. 744. To amend Section 4, 6, 8, 18 and 19 of an Act entitled "An Act to amend an Act entitled 'An Act for the protection of salt water shrimp to provide the manner in which said crustaceans may be caught, taken and marketed, to fix the season during which they may be caught, to authorize the issuance of licenses to persons seining for salt water shrimp to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, and to provide penalties for the violation of the provisions of this Act.' 'Approved September 2, 1919.' " approved July 6, 1931.

Also:

H. 576. To provide for reducing the amount of bond of an executor, administrator or guardian pending final settlement of the administration of such estate.

J. E. Spaight,
Secretary.

BILL ON THIRD READING

S. 247. To amend Section 8 of an act entitled "An Act to create a Board to be known as "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said

Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor, approved September 14, 1935.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Langan	Sanderson
Allen	Dominick	Langley	Scott
Bagley	Doster	Lovlace	Segrest
Barchard	Ellis	Martin	Sessions
Beck	Flowers	Matthews (Jackson)	Sherrer
Boswell	Garrett	Megginson	Sightler
Branyon	Gewin	Miller	Smyer
Brown (Covington)	Golson	McCord	Spence
Carwile	Green	McDanal	Stallings
Castleberry	Gwin	Nation	Thomas
Chewning	Hardwick	Neighbors	Wallace
Collier	Hare	Payne	Waller
Cook	Haynes	Peacock	Welch
Cope	Hill	Phillips	White
Davis (Madison)	Jones	Pitts	Wood
Dearman	Kaul	Robertson (Cullman)	Young
Devers			

—65

RESOLUTION

The following resolution was introduced:

By Mr. Sherrer:

H. J. R. 134. Whereas, during this entire session of the Legislature, the members of the Legislature have had the benefit, counsel and advice of Hon. Marshall Johnson of Selma, Dallas County, Alabama, the former "Mystery Man of Alabama Politics" and self-styled "representative of the people", on all matters pertaining to legislation and State patronage, in his role as right-hand (?) man of the Governor of Alabama and as Chairman of the gubernatorial created "Personnel Improvement Shift Committee"; and

Whereas, Mr. Johnson was so efficient in the discharge of his duties that it was never necessary for members of the Legislature to go to him for advice as to how to vote on legislation in which the Governor of Alabama was interested, because of the fact that he always came to them first on such matters; and

Whereas, the announcement has been made in the daily press of the State this week that he has been discharged from his duties as right-hand (?) man of the Governor of Alabama, and Chairman of the gubernatorial created "Personnel Improvement Shift Committee"; and

Whereas, the members of the Legislature since that time have been greatly handicapped in the discharge of their duties due to the fact that his valuable services are no longer available to them; and

Whereas, the members of the Legislature are fearful that simultaneously with his discharge from the positions or roles aforementioned, his name was also removed from the payroll or payrolls (?) on which they had appeared while he served in these positions and roles; and

Whereas, the members of the Legislature are deeply appreciative of the valuable assistance rendered to them by Mr. Johnson in these positions or roles and of the kindly and favorable consideration which he invariably gave them on all matters affecting patronage (provided they voted in accordance with his dictates), and, therefore, are solicitous for his general welfare:

Now, Therefore, Be It Resolved by the House of Representatives, the Senate concurring, that we do implore the Governor of Alabama to restore Mr. Johnson to his former positions or roles and at the same time that he also take whatever steps are necessary to see to it that his name is restored to any and all payrolls (?) on which he appeared during the time he held such positions or roles from which his name might have been removed as a result of his no longer holding said positions or roles, so that the members of the Legislature may again have the benefit of his valuable advice and counsel, in order to better perform the discharge of their duties, and so that the worry of the members of the Legislature over the general welfare of Mr. Johnson may be alleviated.

And the H. J. R. 134 was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment.

By Mr. Elmore:

S. 478. 'To provide judicial officers of the State; to designate them as supernumerary judges; to provide the conditions under which a judge of the Court of Appeals or a judge of the Circuit Court may become a supernumerary judge; to provide the qualifications, tenure, duties, powers, authority, jurisdiction and compensation, and the method of removal of such supernumerary judge; to appropriate funds for the payment of such compensation;

to provide for the performance by such supernumerary judge of judicial duties, and to otherwise regulate the office of supernumerary judge.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:
Judiciary, S. 478.

BILL ON THIRD READING

S. 71. To provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions other than County and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

Was taken up. Mr. Hodo moved to indefinitely postpone the bill, S. 71, and the motion of Mr. Hodo was lost.

Yeas, 17; Nays, 41.

Yeas:

Messrs.:	Gwin	Sanderson	Tucker	
Allen	Hodo	Sherrer	Walden	
Cope	Neighbors	Smyer	Waller	
Golson	Peacock	Toomer	Welch	
Green	Robinson (St. Clair)			—17

Nays:

Mr. Speaker	Dobbs	Hill	Newman	
Bagley	Dominick	Jenkins	Payne	
Barnes	Doster	Langan	Pitts	
Beck	Ellis	Martin	Scott	
Boswell	Flowers	Matthews (Jackson)	Sessions	
Brown (Covington)	Garrett	Mayhall	Spence	
Carwile	Gewin	Meggins	Waldrop	
Castleberry	Graham	Miller	Wallace	
Chewning	Hardwick	McCord	Weston	
Cook	Haynes	McDanal	Wood	
Davis (Madison)				—41

And said bill:

S. 71. To provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions other than County and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

Was read a third time at length and passed.

Yeas, 50; Nays, 7.

Yeas:

Mr. Speaker	Devers	Langan	Segrest
Allen	Dominick	Martin	Sessions
Bagley	Ellis	Matthews (Jackson)	Sherrer
Ball	Flowers	Mayhall	Sightler
Barnes	Garrett	Megginson	Spence
Beck	Gewin	Miller	Stallings
Brown (Covington)	Graham	McCord	Tucker
Castleberry	Hardwick	Nation	Waldrop
Chewning	Hare	Newman	Wallace
Cook	Haynes	Robertson (Cullman)	Welch
Cope	Hill	Robinson (St. Clair)	Weston
Davis (Madison)	Jenkins	Scott	Wood
Delony	Jones		

—50

Nays:

Messrs.:	Golson	Neighbors	Sanderson
Dobbs	Kaul	Pitts	Toomer

— 7

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two houses on the Senate amendment to the resolution:

H. J. R. 118. Relative to personnel of the offices of the Clerk of the House and Secretary of Senate during recess of Legislature until June 25, 1940.

Messrs. Simpson, Poole and Harrison were appointed as Conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 660. To amend Section XXXV of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8, 1939.

By a majority of the whole number elected to the Senate. Said vote being: Yeas, 28; Nays, 0.

And said bill, H. 660, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 25; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 847. To amend An Act entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase, construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama or across any body of water separating the main land of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bond holders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such bridges, and to contract with such Commission with reference thereto; and to ratify the change heretofore made in the name of the corporation organized pursuant to said Act.

And said bill, H. 847, as thus amended by the report of the Committee on Conference, was again read a third time at length and passed. Yeas, 23; Nays, 5.

And said bill, H. 847, together with the report of the Committee on Conference is herewith returned to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. Jones, the House recessed until Eight-thirty o'clock P. M.

NIGHT SESSION

The hour of Eight-thirty o'clock P. M. having arrived the House reconvened.

RESOLUTION

The following resolution was introduced:

By Messrs. Welch, Hardwick, Pitts, and Gewin.

H. R. 135. WHEREAS it is the unanimous opinion and sentiment of the House that the Honorable Hugh Merrill as Speaker, the Hon. Earl McGowan as Floorleader, the Hon. R. T. Goodwyn, Jr., as Clerk, the Hon. Cy Brown as Reading Clerk, of the House of Representatives, have served in their respective capacities with great fairness and extraordinary efficiency and courtesy, and

WHEREAS each member of the House feels personally indebted to each of the above-named for his respective service to each and every member of the House and to the State of Alabama, and before closing this sitting of the House desire to give expression to such appreciation; NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE that the profound esteem and appreciation of the House of Representatives of the State of Alabama be and is hereby expressed to each of the above-named officers, and we wish to leave this expression of our great esteem and appreciation as a part of the record of the proceedings of this House as a perpetual memorial to them.

On motion of Mr. Welch, the rules were suspended and the above and foregoing H. R. No. 135 was adopted by a unanimous rising vote of the House.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Mathews of Jackson, the bill, H. 388, was indefinitely postponed.

On motion of Mr. Haynes the bill, H. 503, was indefinitely postponed.

On motion of Mr. Walden the bill, H. 569, was indefinitely postponed.

On motion of Mr. Sessions the bill, H. 629, was indefinitely postponed.

On motion of Mr. Langan the bill, H. 743, was indefinitely postponed.

On motion of Mr. Brown of Covington the bill, H. 797, was indefinitely postponed.

On motion of Mr. Brown of Covington the bill, H. 817, was indefinitely postponed.

On motion of Mr. Hardwick the bill H. 915, was indefinitely postponed.

On motion of Mr. Jones the bill, H. 925, was indefinitely postponed.

On motion of Mr. Jones the bill, H. 943, was indefinitely postponed.

On motion of Mr. Norman of Bullock the bill, H. 697, was indefinitely postponed.

On motion of Mr. Dominick the bill, H. 1016, was indefinitely postponed.

On motion of Mr. Brown of Covington the bill, H. 1038, was indefinitely postponed.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 195. To authorize, require and provide for payment out of any moneys not otherwise appropriated by the Legislature of the sum of Six Hundred (\$600.00) Dollars, for the relief of John W. Daniel.

Also:

H. 364. To consent for the State of Alabama through its Department of Conservation to cooperate with the United States Department of Agriculture in the restoration of wildlife in compliance with the Pittman-Robertson Act, said act being an Act of Congress entitled an Act "To provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" and approved September 2, 1937, and also consent of the State of Alabama through its Department of Conservation to cooperate with

other Federal agencies in the restoration, and/or rehabilitation of game, fish, forests, parks and/or historical sites and monuments.

Also:

H. 494. To appropriate the first \$400,000.00 of any surplus over and above \$750,000.00 in the State Treasury to the credit of the General Fund, after providing for the payment of all appropriations now or hereafter made payable from said fund, for each of the fiscal years ending September 30, 1939, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943, to provide a retirement fund for teachers in the State supported schools and colleges, to be expended in accordance with such statutes and regulations as may then be in force relating to the expenditure of such fund.

Also:

H. 596. To repeal an Act passed by the Legislature of Alabama, approved October 12, 1932, entitled "An Act To Provide For The Employment of Four Prison Guards For The Mobile County Jail By The Sheriff Of Mobile County To Perform Such Duties At The Jail As May Be Assigned To Them By The Sheriff; To Fix Their Compensation And Provide For Payment Of Same Out Of The County Treasury And To Provide That All Laws, General, Local, Or Private, And All Parts Of Any Such Laws In Conflict With The Provisions Of This Act Are Hereby Repealed; And To Provide That This Act Shall Take Effect Immediately Upon Its Passage and Approval", and to provide that this Act shall take effect immediately upon its passage and approval.

Also:

H. 640. To provide for a public corporation for the purpose of assisting county and city boards of education to pay teachers' salaries and other current expenses when the same are due; to prescribe its powers and duties; and to authorize said corporation to borrow money in anticipation of the proceeds of the Minimum Program Fund appropriation and to issue warrants or notes as evidence of the same and to provide for the payment of the principal and interest of said warrants from the Minimum Program Fund and to give the State Board of Education power to authorize the corporation to pledge the proceeds of the Minimum Program Fund appropriation for payment of principal of and interest on warrants and notes issued under the provisions of this act.

Also:

H. 732. To Amend Section 8484 of the Code of Alabama of 1923:

Also:

H. 738. To better provide for the election, selection, and appointment of judges of Inferior Courts created in lieu of Justices of the Peace, and other like or similar courts, by whatever name called.

Also:

H. 771. To amend Sections 8324, 8334, 8335, 8336, and 8337, 8347, of the Code of Alabama of 1923.

Also:

H. 866. To amend Section III and Section X of an act entitled "An Act to create a County Board of Equalization in and for each of the sixty-seven counties of the State; To provide for the manner of selecting the members of such Board; To provide for the appointment, the term of office and compensation of such members; To provide the powers, rights, authority and duties of the said County Boards of Equalization and the members thereof; to provide a secretary for each of said Boards of Equalization; To abolish the several County Boards of Review, as now or heretofore created, and to repeal all laws in conflict with this Act" approved March 15th, 1939, so as to authorize certain County Boards of Equalization to employ assistants and to make inventory of property in certain counties.

Also:

H. 871. To amend Sections 4, 5 and 6 of an act entitled an act "to provide for a more economical, convenient and uniform system of assessing and collecting taxes on real estate, including the enforcement of tax liens, in all Counties having a population of 110,000 or more, according to the last, or any succeeding Federal Census", approved April 21st, 1936, so as to provide for the filing of protests to the valuation fixed by the Board of Equalization by any owner, or any person having any interest in any property and to provide for the time, place, hearing and filing of said protests and to authorize the Tax Assessor to provide the forms for claims of homestead exemption and the claiming of said homestead exemption.

Also:

H. 968. To regulate the borrowing of money by cities having a population of one hundred thousand persons, or more, according to the last or any succeeding federal census.

Also:

H. 1010. To regulate the Fine and Forfeiture Fund of Geneva County, Alabama; to provide for the receipts and disbursements of the same; to authorize and require the Commissioners Court of said

County to appropriate funds for the payment of registered state witness certificates and officers scrip now payable out of the Fine and Forfeiture Fund; to prescribe the duties of the County Treasurer or other custodian of County funds in relation to the receipts and disbursement of these funds, and to prescribe the order of priority in which the same shall be paid and to provide that fines and forfeitures shall be paid in cash only.

Also:

H. 1032. To provide that membership in any national, State or local committee of any political party, or the holding of an office in a partisan or political club, shall not disqualify a person to hold any position to which any county-wide Civil Service System is or may be applicable, under any law now or hereafter existing, providing for a county-wide Civil Service System in any County in the State of Alabama, having according to the last or any future Federal Census, a population in excess of 100,000 inhabitants, and less than 300,000 inhabitants, provided said person held the membership or office in said political party on the date of the adoption of the said Civil Service System.

Also:

H. 1033. For the Relief of Horace Turner, Out of the Road and Bridge Fund of Mobile County, Alabama.

Also:

H. 1036. To validate and make payable out of the General fund of Autauga County, Alabama all outstanding and unpaid warrants, issued to John A. Dickinson, as Judge of the Civil and Criminal Court of said county, and to authorize the Board of Revenue of said County to prescribe the manner in which said warrants are to be paid.

Also:

H. 1040. To amend an Act entitled "An Act to divide the County of Cleburne into commissioners districts, and to regulate the election of County Commissioners" approved March 4, 1901.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote

of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 412. To amend Section 6289 of the Code of Alabama of 1923.

Also:

H. 430. To provide for the dissolution of any building and loan association which with the approval of the Building and Loan Commissioner has sold its assets, or may hereafter sell its assets with the approval of the Commissioner of Building and Loan, and to provide for the disposition of any funds not distributed prior to such dissolution.

Also:

H. 438. To amend Sections 8970 and 8971 of the Code of Alabama of 1923, so as to provide for the trial of contested claims in the court having jurisdiction of the administration of the estate pending in said court.

Also:

H. 512. To cover into the State Treasury to the credit of the General Fund any or all moneys now in the "Special Trust Fund" created pursuant to the provisions of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama," approved October 15, 1932, which moneys accrued to said fund pursuant to the provisions of said act.

Also:

H. 528. For the relief of the Creola Lumber Company, by confirming in the said Creola Lumber Company, a corporation, organized under the laws of Alabama, of Creola, Mobile County, Alabama, the title to the following described lands in Mobile County, Alabama, towit: SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14, Township 1 South, Range 1 West; and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 26, Township 1 South, Range 1 West. which lands are known and called "swamp and overflow" lands, but which lands are not claimed by the Alabama Insane Hospitals.

Also:

H. 689. To amend Section 17 of the Department of Conservation Act of 1939, approved March 14, 1939.

Also:

H. 734. To Amend Section 8496 of the Code of Alabama of 1923:

Also:

H. 774. To designate the Joe Wheeler Highway consisting of that part of certain roads located in Alabama.

Also:

H. 844. To amend Sections 5 and 29 of An Act of the Legislature of Alabama entitled "An Act To Provide And Regulate And Control Primary Elections For The Nomination By Political Parties of Candidates For Public Office Within The State of Alabama", approved February 25, 1931.

Also:

H. 848. To make a special appropriation for the use of the Armory Commission of Alabama in paying obligations incurred in connection with the construction of armories, warehouses, and other permanent structures for the housing of the National Guard Naval Militia, and other units of the State Militia, contingent upon the Governor finding the condition of the State Treasury to warrant such expenditures, and to provide for the manner and other conditions under which such expenditures shall be made.

Also:

H. 901. To amend the title and the body of an Act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creating and maintenance of said Commission form of government," approved March 4, 1931, and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 99 to 125, inclusive, as amended by an Act entitled "An Act to amend Section 16 of an Act 'To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may here-

after have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government' Approved March 4, 1931," approved June 18, 1931 and found in the printed General Acts of Alabama, Regular Session, 1931, at pages 334 and 335, so as to provide for and create in all such cities a pension system applicable to all employees of such cities except employees of such cities who are members of the regularly organized and paid fire departments of such cities; to fix the qualifications for their retirement and to prescribe the benefits to which they will be entitled upon their retirement and the time and manner of payment of such benefits; to provide that benefits under such pension system shall not be subject to garnishment or levy of execution or attachment or other process issued out of any court of this State or any other State and that such benefits shall not be assigned; to fix the time for the change in classification or re-classification of all cities once coming within the terms of and operating under the Act hereby amended when such change in classification or re-classification is brought about by a change in population of such cities based on a Federal Census; to provide that if any of the provisions of this Act shall be held to be invalid or unconstitutional such holding shall not affect any of the other provisions hereof; and to repeal all laws and parts of laws in conflict herewith.

Also:

H. 1000. To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected.

Also:

H. 1005. For the relief of Mollie Richardson and to authorize the County Commission of Russell County, Alabama, to pay the said Mollie Richardson for the loss of one mule killed by falling through a bridge on a County Highway in said County.

Also:

H. 1008. To abolish the County Court of Geneva County, Alabama, to provide for the transfer of all cases pending in said Court to The Inferior Court of Geneva County, and to provide for the disposition of all judgments, fines and forfeitures rendered in said Court, and to repeal all laws relating to the salary of Judges of said County Court.

Also:

H. 1009. To establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County"; to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil jurisdiction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred & no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said court, and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein, and the procedure therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereinafter pending in the County Court of Geneva County, Alabama or the Circuit Court thereof to the said Inferior Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set

out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

Mr. McGowin from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the H. J. R. 118, made the following report:

REPORT OF COMMITTEE ON CONFERENCE

To the Speaker of the House
And the President of the Senate

We the Committee of Conference on the disagreement of the two Houses on House Joint Resolution No. 118, having met and considered the matter, beg to report as follows:

1. We recommend that the Senate recede from its amendment to the Resolution.

2. That the Resolution originally adopted by the House be amended as follows:

That Section 2 of the Resolution as originally passed by the House be amended to read as follows:

Section 2: That at such times as the respective Houses of the Legislature may sit as a Committee of the Whole during such recess, the subordinate officers and employees of the respective houses, whether elected or appointed, as now provided by law, or so many thereof as may be necessary in the opinion of the Speaker of the House and the President Pro-Tem of the Senate shall be retained and shall receive the same per diem.

3. And that Section 3 of the Resolution as originally passed by the House be amended to read as follows:

Section 3: That during the period of such recess, except at such times as they may be otherwise retained and paid pursuant to the provisions of this Resolution the Clerk of the House of Representatives, the Assistant Clerk of the House of Representatives and one assistant to be appointed by such clerk, and the Secretary of the Senate, the Reading Clerk of the Senate, and one assistant to be appointed by said Secretary shall be retained and receive the same per diem as now provided by law.

EARL M. MCGOWIN

GEO. BLISS JONES

PERCY M. PITTS,

Conferees on the part of the
House

J. A. SIMPSON

J. N. POOL

Conferees on the part of the
Senate.

On motion of Mr. McGowin, the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the H. J. R. 118, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to the resolution:

H. J. R. 118. Relative to the personnel of the Secretary of the Senate and the Clerk of the House during the recess of the Legislature.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 471. To further regulate and define the powers, functions, duties and authority of the Chairman and Members of the Board of Revenue and Road Commissioners of Mobile County in relation to the public roads and bridges in said county; to provide compensation and expenses for the performance of the new and additional duties herein placed upon them in relation thereto; and to prescribe the source from which the same shall be paid and the method of payment.

Also:

S. 436. To prescribe additional powers, duties and authorities of the Department of Conservation and the Director of Conservation with reference to the operation and maintenance of State Parks and the acquisition of lands for such Parks; to authorize the execution of contracts arising out of the use and ownership of such lands and the waters thereof; to authorize the adoption of rules and regulations governing the use of State Parks and to provide penalties for the violation thereof; to provide for roads and highways therein; to authorize counties and municipalities to aid in the promotion of the State Park system; and to create a State Park Fund.

Also:

S. 173. To appropriate the sum of Three Thousand Dollars to the United Daughters of the Confederacy, which sum will complete a \$20,000 heroic bronze statue of Jefferson Davis, designed and executed by an internationally known sculptor, to be placed on the grounds of the State Capitol.

Also:

S. 366. To amend Subsection (4) of Subdivision (a) of Section 10 of the Merit System Act, approved March 2, 1939.

Also:

S. 308. To further regulate and control officers and employees of the State of Alabama in the classified and unclassified service and to further regulate the pay plan for such officers and employees in the service of the State of Alabama.

Also:

S. 268. To create and establish a Board to examine persons engaging in professional work or services pertaining to entomological work, pathological work, horticultural and floricultural work, and tree surgery work, to define its powers and duties; to define entomological work, pathological work, horticultural work and floricultural work and tree surgery work; to provide for the making of rules and regulations by the State Department of Agriculture pertaining to the examination and licensing of persons engaged in such work or services; to provide for the examination and licensing of persons engaged in such work or services; to provide for the giving of bond by persons engaged in such work or services; and to provide that persons violating the provisions of this Act shall be guilty of a misdemeanor.

Also:

S. 338. To further provide for a Merit System for officers and employees in the State service and to make more effective the provisions of the Merit System Act, approved March 2, 1939.

Also:

S. 426. To provide additional compensation for the Tax Collector and Tax Assessor of Calhoun County, Alabama to provide for the retaining by such Tax Collector and Tax Assessor of all compensation, fees, commission and allowances received by them or either of them for the collecting or assessing any ad valorem taxes for, on behalf of or that may be due any municipality or municipal corporation in Calhoun County, Alabama; to provide that any such compensation, fees, commissions, and allowances so received and retained by them, or either of them, shall become the property of such Tax Collector or Tax Assessor and shall not be paid into the County Treasury; to provide that such compensation, fees, commission, and allowances shall be in addition to the salary and allowances provided by the Act of the Legislature of Alabama approved September 13, 1935 and appearing on page 269 and 270 of the Local Acts of Alabama, 1935 and that said last named Act shall remain in effect and not be affected by this Act except as to the additional compensation, fees, commissions and allowances herein provided for; and to provide for the effective date of this Act.

Also:

S. 258. To provide for the payment of the salary and traveling expenses of the State Highway Director out of the funds in the State Treasury to the credit of the State Highway Department; and to appropriate from said funds a sufficient sum for the payment of the same.

Also:

S. 247. To amend Section 8 of an act entitled "An Act to create a Board to be known as "State Board of Adjustment"; to name its personnel, to define its duties and powers and to authorize said Board to certify its findings to the Comptroller for the payment of its awards, decrees and findings out of the fund herein provided for; to provide the basis of awards and decrees and to make appropriation therefor, approved September 14, 1935.

Also:

S. 329. To amend Sections 10 and 11 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of Lawyers", Approved August 9th, 1923, as said Sections 10 and 11 of said Act were heretofore amended by an Act approved June 6th, 1931.

Also:

S. 270. To authorize the employment of a full-time County Engineer and to fix the minimum and maximum compensation of such office; to prescribe qualifications of such office; to prescribe his duties and authority; to authorize the State Highway Director to supplement funds for the payment of salary; to repeal all laws in conflict and to fix the time when this Act shall become effective.

Also:

S. 346. To amend Sections 9 and 11 of An Act entitled "An Act to provide for a finding by the Legislature that the production of milk and proper control of its marketing is in the public interest and is necessary for adequate and proper supply of a wholesome food throughout all seasons of the year in the interest of general health and well-being of the public generally; to create a State Milk Control Board; to provide for the appointment and removal of its members; to define its powers and duties; to fix the compensation of its members; to empower the State Milk Control Board with authority to employ necessary help to fix their compensation; to make and enforce necessary rules and regulations for the enforcement of said law; to cooperate with other governmental agencies tending to bring about a uniform system of milk control regulations; to provide for the creation and dissolution of

milk sheds, or their diminution of enlargement from time to time; to provide for a review of any order or ruling of the Board; to provide for the fixation, regulation and collection of license fees for milk dealers, distributors, producers-distributors, producers and stores; to regulate and fix minimum or maximum prices; to provide for the issuance of licenses; to aid in the prosecution of any violation of statutory laws that are in existence or that may be amended or enacted for the preservation of the property of those engaged in the dairy industry or the marketing of dairy products; to enforce the rules, findings and decrees of the State Milk Control Board, defining certain terms and commodities such as: Milk Control Board, person, milk dealers, distributor, producer, milk shed, processor, milk, fluid milk, consumer, store, producer-distributor, wholesale producer, licensee; providing for the repeal of all laws in conflict with this Act and establish the manner of the taking effect of this Act.", approved March 20, 1939.

Also:

S. 157. To authorize the use of \$2,000.00 set apart for the purchase of a homestead under Section 7943 or Section 7944 of the Code of 1923, for other uses or purposes than the purchase of a homestead where upon a proper hearing and proof it is determined by the Probate Judge or the Judge of the Circuit Court, in Equity, that such other use or purpose will be to the best interests of said widow or minor child or children; providing for the hearing of said cause and the appointment of a guardian ad litem to represent the interests of said minor or minors.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 439. To Amend Subdivision (4) of Section 345.18 of an Act Entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1939.

Also:

H. 521. To authorize the sale of all real property, livestock, equipment and farm produce owned by the State of Alabama at farms now designated Demonstration Farms, and located at or near those high schools formerly known as State Secondary Agricultural Schools of Alabama, under provisions of an Act entitled "An Act to provide for the establishment of a Demonstration Farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control," approved August 30, 1927; to designate the Director of Finance of the State of Alabama as agent for the State in effecting such sales, and to provide the manner and method of making the same; to provide for meeting the expenses incurred in effecting such sales; to provide for the disposition of funds accruing from such sales and any other funds in the hands of the demonstration farm treasurer at the time of its sale; to provide for the operation of any or all such demonstration farms until the same are sold; and to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms.

Also:

H. 693. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of said state providing that each municipal corporation in said state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) shall have the further power to levy and collect an additional tax or taxes to such extent that the total annual ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%), such additional tax or taxes to be levied only when and for such purposes as shall be authorized by the qualified electors of such municipal corporation at an election called for such purpose, the adoption of such amendment not to affect, limit, modify, abridge, or impair the power of any such municipal corporation to levy and collect any special school taxes which it may now or hereafter have the right to levy and collect; and to limit the holding of such elections so that when a proposi-

tion for the levy of such additional tax or taxes is submitted to the electors and is defeated then no second election for the same purpose shall be held in one year thereafter.

Be it Enacted by the Legislature of Alabama:

Section 1. The amendment to the Constitution of Alabama hereinafter set out is hereby proposed and an election of the qualified electors of said state is hereby ordered upon such proposed amendment and the day hereby appointed for such election is the day of the next general election held in said state more than three months after the adjournment of the session of the Legislature at which such amendment is proposed. Said amendment is as follows:

"Each municipal corporation in this state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) of the value of the property situated therein as assessed for state taxation during the preceding year shall have, in addition to the power to levy and collect such ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%) in any one year on the property situated therein based on the valuation of such property as assessed for state taxation during the preceding year; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of any such municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; provided further, that the total ad valorem tax or taxes to be levied and collected by any such municipal corporation shall not exceed one per centum (1%) in any one year; and provided further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any such municipal corporation to levy and collect the special school taxes now or hereafter vested or conferred upon them, or any of them, under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum (1%) herein provided for. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall specify the purpose for which the proposed additional rate of taxation shall be authorized and shall contain the words 'For -----% additional rate of taxation'; and 'Against -----% additional rate of taxation'; the additional rate of taxa-

tion proposed to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the additional rate shown, by placing a cross mark before or after the words expressing his choice. The proceeds of any such additional tax so authorized at any such election shall be used only for the purpose for which the same shall be authorized at such election. Elections to authorize the levy of such additional tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy such additional tax for a specific purpose and such proposition is defeated then no second election for the same purpose shall be held in one year thereafter."

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each county of the state once a week for four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed or partly printed and partly written the following: "Shall the following be adopted as an amendment to the Constitution of Alabama:

"Each municipal corporation in this state whose annual ad valorem tax rate is otherwise limited by the Constitution or any amendment thereto to less than one per centum (1%) of the value of the property situated therein as assessed for state taxation during the preceding year shall have, in addition to the power to levy and collect such ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of such municipal corporation shall not exceed one per centum (1%) in any one year on the property situated therein based on the valuation of such property as assessed for state taxation during the preceding year; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of any such municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; provided further, that the total ad valorem tax or taxes to be levied and collected by any such municipal corporation shall not exceed one per centum (1%) in any one year; and provided further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any such municipal corporation to levy and collect the special school taxes now or hereafter vested or conferred upon them, or any of them, under the Constitution or any amend-

ment thereto, which said special school taxes shall be in excess of said one per centum (1%) herein provided for. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall specify the purpose for which the proposed additional rate of taxation shall be authorized and shall contain the words 'For% additional rate of taxation'; and 'Against% additional rate of taxation'; the additional rate of taxation proposed to be shown in the blank space provided therefor. The voter shall record his choice, whether for or against the additional rate shown, by placing a cross mark before or after the words expressing his choice. The proceeds of any such additional tax so authorized at any such election shall be used only for the purpose for which the same shall be authorized at such election. Elections to authorize the levy of such additional tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy such additional tax for a specific purpose and such proposition is defeated then no second election for the same purpose shall be held in one year thereafter.

"Yes.....

No....."

Section 4. The officers to hold the said election shall be the same officers who are appointed to conduct and who shall conduct the general election held on the date on which said amendment is to be voted on, and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

Section 5. The vote cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of the State of Alabama. The result of such election shall be known by a proclamation of the Governor.

Also:

H. 849. To submit to the qualified electors of the State of Alabama at the next general election after the expiration of three months from and after the final adjournment of the present session

of the Legislature, for their consideration, an amendment to the Constitution of the State of Alabama, fixing the salaries to be paid to the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk, Register in Chancery, and members of the county governing body of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama; to require the said officers to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury of Dallas County, Alabama; to authorize and require the payment of the salaries of the above named officers in monthly installments out of the county treasury of Dallas County, Alabama; to make provision for the employment and the payment of the compensation of the employees in said offices; to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation; and to authorize and empower the Legislature of Alabama hereafter, from time to time, but subject to the provisions of Section 281 of the Constitution of Alabama, by general or local laws, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries, or other compensation received by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered, by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the next general election held after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "The salaries of the following named county officers of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama, are fixed as follows: Judge of Probate, \$6,000.00 per annum net; Tax Assessor, \$5,000.00 per annum net; Tax Collector, \$5,000.00 per annum net; Sheriff, \$4,800.00 per annum net; Circuit Clerk, \$2,400.00 per annum net; Register in Chancery, \$1,200.00 per annum net; provided, that if the same person holds the offices of Circuit Clerk and Register in Chancery, the salary for both offices shall be \$3,000.00 per annum net; members of the county governing body, exclusive of the

Judge of Probate, \$600.00 each per annum net. The above named officers are hereby required to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury. This shall include the allowances or amounts received by the Sheriff for feeding prisoners from both the State and Federal Government, and the county governing body of Dallas County, Alabama, shall pay the expenses incurred in feeding such prisoners out of the county treasury, but nothing herein shall be construed as interfering with the allowances or amounts provided by law for guards at the county jail or bailiffs for courts, or preventing the county governing body of Dallas County, Alabama, from making such allowances to the Sheriff and his deputies for transportation on official business, including the purchase of automobiles for such use, as it may deem necessary from time to time. The salaries of the above named county officers of Dallas County, Alabama, shall be paid out of the county treasury in equal monthly installments.

"The employees of said offices shall be selected by respective officers, and allowances for their compensation shall be as follows:

- | | |
|--|-----------------------|
| 1. Office of Judge of Probate..... | \$6,500.00 per annum. |
| 2. Office of Tax Assessor..... | \$3,600.00 per annum. |
| 3. Office of Tax Collector..... | \$2,600.00 per annum. |
| 4. Office of Sheriff..... | \$4,500.00 per annum. |
| 5. Office of Circuit Clerk..... | \$1,350.00 per annum. |
| 6. Office of Register in Chancery..... | None. |

"The county governing body shall have the same authority in regard to the employment of persons for the county, and the fixing of their compensation, other than the employees in the above named offices, as provided by law. The salaries of the employees in the above enumerated offices shall be paid out of the county treasury in equal monthly installments; provided, however, that no payment of compensation for any such employee shall be made until the employee has actually rendered the service for which the payment is made.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries or other compensation received

by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following:

"Shall the following be adopted as an amendment to the Constitution of Alabama?

"The salaries of the following named county officers of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama, are fixed as follows: Judge of Probate, \$6,000.00 per annum net; Tax Assessor, \$5,000.00 per annum net; Tax Collector, \$5,000.00 per annum net; Sheriff, \$4,800.00 per annum net; Circuit Clerk, \$2,400.00 per annum net; Register in Chancery, \$1,200.00 per annum net; provided, that if the same person holds the offices of Circuit Clerk and Register in Chancery, the salary for both offices shall be \$3,000.00 per annum net; members of the county governing body exclusive of the Judge of Probate, \$600.00 per annum net. The above named officers are hereby required to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury. This shall include the allowances or amounts received by the Sheriff for feeding prisoners from both the State and Federal Government, and the county governing body of Dallas County, Alabama, shall pay the expenses incurred in feeding such prisoners out of the county treasury, but nothing herein shall be construed as interfering with the allowances or amounts provided by law for guards at the county jail or bailiffs for courts, or preventing the county governing body of Dallas County, Alabama, from making such allowances to the Sheriff and his deputies for transportation on official business, including the purchase of automobiles for such use, as it may deem necessary from time to time. The salaries of the above named county officers of Dallas County, Alabama, shall be paid out of the county treasury in equal monthly installments.

"The employees of said offices shall be selected by the respective officers, and allowances for their compensation shall be as follows:

1. Office of Judge of Probate.....	\$6,500.00 per annum.
2. Office of Tax Assessor.....	\$3,600.00 per annum.
3. Office of Tax Collector.....	\$2,600.00 per annum.
4. Office of Sheriff.....	\$4,500.00 per annum.
5. Office of Circuit Clerk.....	\$1,350.00 per annum.
6. Office of Register in Chancery.....	None.

"The county governing body shall have the same authority in regard to the employment of persons for the county, and the fixing of their compensation, other than the employees in the above named offices, as provided by law. The salaries of the employees in the above enumerated offices shall be paid out of the county treasury in equal monthly installments; provided, however, that no payment of compensation for any such employee shall be made until the employee has actually rendered the service for which the payment is to be made.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation.

"The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries or other compensation received by any officer of Dallas County, Alabama, other than the Judge of Probate, Tax Assessor, Tax Collector, Sheriff, Circuit Clerk and Register in Chancery, including the method and basis of their compensation.

"Yes (—————)

No (—————)"

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

H. 954. To regulate the expenditure of any funds appropriated from the State Treasury for the purpose of furnishing free textbooks in the public elementary schools of the State and to provide that the State Board of Education shall make regulations for the proper care of said textbooks, and to provide for the matching of Federal funds available for public rural library service.

And finds same correctly enrolled.

Henry Neill Segrest.
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled bills reports that it has examined the following House bills and House joint resolution.

H. 576. To provide for reducing the amount of the bond of an executor, administrator, or guardian pending final settlement of the administration of such estate.

Also:

H. 608. To better enforce the collection of the gasoline tax; to prohibit the entry of motor vehicles into this State containing more than twenty gallons of gasoline in their tank or tanks until the State tax thereon shall have been paid and to authorize the Commission of Revenue to make the necessary reasonable rules and regulations for the enforcement of this act; to provide penalties for the violation of the provisions of this act.

Also:

H. 620. To provide for a Forest Protection Fund.

Also:

H. 744. To amend Section 4, 6, 8, 18 and 19 of an Act entitled "An Act to amend an Act entitled 'An Act for the protection of salt water shrimp to provide the manner in which said crustaceans may be caught, taken and marketed, to fix the season during which they may be caught, to authorize the issuance of licenses to persons seining for salt water shrimp to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, and to provide penalties for the violation of the provisions of this Act,' Approved September 2, 1919." approved July 6, 1931.

Also:

H. 745. To amend Sections 17, 28, 31, 39 and 41 of an Act entitled "An Act to further conserve, protect and develop oysters on the bottoms within the boundaries of the State of Alabama, to prohibit dredging except under regulation of the Alabama Oyster Commission, to regulate the size of container used in measuring a barrel of oysters, to fix a uniform tax on oysters, to provide for license for dredging oysters and method for collecting tax on oysters harvested and disposition of same, to authorize the Alabama Oyster Commission to open and close reefs and planted oyster bottom when in their opinion necessity requires it; to require and provide for licenses for persons, firms, corporations or associations to engage in the business of packing, canning, processing or dealing in oysters or transporting oysters; to require and provide licenses for brokers, dealers, commission men, hucksters or other persons, firms, corporations or associations who wholesale or retail oysters; to authorize the Alabama Oyster Commission to regulate the time, manner and means for shipping or transporting oysters and shrimp beyond the boundaries of the State of Alabama; to regulate the time, manner and means for planting oysters or oyster shells; to further provide for the duties of oyster inspectors and other employees of the Alabama Oyster Commission; by regulation to protect oyster bottom lessees in their rights as such lessees; to make it unlawful to resist arrest for violation of the provisions of this Act or any regulation based thereunder or to refuse any inspection of premises where oysters or other seafoods are kept or stored or to conspire or agree with any person, firm, corporation or association to evade any of the provisions of this Act or regulations based thereunder or any laws heretofore or hereafter enacted or the regulations based thereunder; to make it unlawful to remove or destroy any buoy, stake or other marker authorized to be set or placed by the Alabama Oyster Commission; to make it unlawful to take, catch or attempt to take or catch oysters or shrimp by the use of any unlicensed boat; to make it unlawful for any person, firm, corporation or association to buy or sell oysters or shrimp

taken by means of an unlicensed boat or unlicensed tonger or unlicensed dredge; to provide for minimum size of oyster or shrimp which may be taken, bought or sold for commercial purposes; to provide license for trucks or other motor-driven vehicles used in transporting oysters for commercial purposes; to provide for keeping records of all oysters or shrimp transported to market and provide for inspection of such record; to provide that before shrimp which have been taken or caught in waters of this State or from the waters within the territorial jurisdiction of the State may be carried or transported out of the State, same shall be brought to a port of entry designated by the Alabama Oyster Commission and then and there the tax provided by law shall be paid; to provide for a tax on shrimp which are carried out of the State; and to provide how same may be taken or transported beyond the boundaries of the State; to provide that a violation of any of the provision of this Act or regulations based thereunder shall be a misdemeanor; and to provide for penalties for violation of same; and to provide for the repeal of all laws in conflict with the provision of this Act, to determine what shall constitute seafoods; to vest title to all seafoods in the public waters of the State in the State of Alabama until title thereto has been legally divested; to give authority to the Oyster Commission to promulgate regulations relating to any and all seafoods which shall have the force and effect of law; to empower the Chief Enforcement Officer and the oyster inspectors to enforce all laws and regulations relating to the seafood industry; to require the captain of licensed boats to assist in making arrests for violation of laws and regulations relating to the seafood industry; to authorize the Oyster Commission to provide the necessary patrol boats and appoint deputy inspectors for such boats; to make it unlawful to catch, take or have oysters in possession at certain time of the year; to authorize the Commission to close the oyster season earlier than the first of May and open same later than the first of September when deemed necessary for the conservation and protection of oysters; to provide for proper culling of oysters; to provide for lessees of oyster bottoms to take uncultured oysters for planting purposes; to provide for the cultivation and development of oyster beds during the closed season; to provide restrictions for taking oysters from newly planted beds; to prohibit the taking or catching of oysters by any means between sunset and sunrise; to provide for licensing of all boats before beginning operation in the taking of oysters, shrimp or other seafoods; to authorize the Commission to have printed signs, words and/or numbers and require same to be posted on licensed boats; to provide privilege taxes and require same to be paid by factories or other establishments before they pack, can or process oysters or shrimp and on raw oyster shippers; to authorize the Commission to make agreements with other

States relating to the catching and/or transporting of oysters from or into the State of Alabama for planting for commercial purposes, approved March 1, 1937.

Also:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

Also:

H. J. R. 130. Designating Senate Bill Number 468 as the Simpson-Brown (of Covington) Bill.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 947. To define, regulate and license barbers and barber colleges, and other like businesses in Walker County, Alabama; to create a Barbers' Commission for Walker County, Alabama, and to give the same power and jurisdiction to approve agreements fixing minimum prices for barber shops in Walker County, Alabama; defining additional powers of the Barbers' Commission of Walker County, Alabama, and providing penalties for the violation of the provisions of this Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House:

H. 647. To amend Section 13 of an act entitled "An Act to provide for and regulate and control primary elections for nomination by political parties of candidates for public office within the State of Alabama," approved February 25, 1931.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Beck, the House concurred in and adopted the Senate amendment to the bill, H. 647, said Senate amendment being as follows:

Amend HB 647 by inserting immediately following the words "to it by the county Committee shall" where the same occur together therein the following words: if there be on said list the names of sufficient persons who are legally eligible.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Flowers	McCord	Sessions
Ball	Gewin	McDanal	Sherrer
Barnes	Graham	McGowin	Smyer
Beck	Green	Nation	Spence
Boswell	Gwin	Neighbors	Stallings
Branyon	Hall	Norman (Bullock)	Stone
Carwile	Haynes	Payne	Thomas
Castleberry	Jones	Peacock	Tucker
Chewning	Kaul	Petrey	Walden
Cobb	Langan	Pitts	Waldrop
Cook	Lovelace	Quarles	Wallace
Cope	Martin	Robertson (Cullman)	Waller
Davis (Madison)	Matthews (Jackson)	Robinson (St. Clair)	Welch
Delony	Mayhall	Sanderson	Whigham
Devers	Meggison	Scott	White
Dominick	Miller	Segrest	Young

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 702. To amend Section 6752 of the Code of Alabama of 1923.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

J. E. Speight.
Secretary.

SENATE MESSAGE

On motion of Mr. Welch, the House nonconcurred in the Senate amendment to the bill, H. 703, said Senate amendment being as follows:

Amend House bill No. 703 by striking therefrom the words

"Provided, however, that the provisions of this act shall not apply to any county of this State having a population according to the last or any subsequent Federal Census of 50,000 or more" and by striking the word "further" where the same appears in the House amendment to this act.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

J. E. Speight.
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 428. To amend Section 6845 of the Code of Alabama of 1923.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 71. To provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions other than county and public bodies, all banks, bankers, trust companies, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL

The speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House joint resolution:

H.J.R. 118. House joint resolution, providing for the completion of the Journals, of the Legislature during the recess; the length of time; the number of clerks; the per diem and the sitting of the Committee as a whole.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the H.J.R. 118, the title to which is set out in the above and foregoing Report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 428. To amend Section 6845 of the Code of Alabama of 1923.

Also:

H. 647. To amend Section 13 of an act entitled "An Act to provide for and regulate and control primary elections for nomination by political parties of candidates for public office within the State of Alabama," approved February 25, 1931.

Also:

H. 660. To amend Section XXXV of an Act entitled "An Act to further provide for the general revenue of the State of Alabama," approved February 8, 1939.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote

of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bill:

H. 589. To amend and reenact the act entitled "An Act to create in all cities of the State of Alabama, which have a population of as much as two hundred thousand people according to the last Federal Census, or which shall have such population according to any such census they may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this act in their respective cities which are governed by this act and where this law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of such funds; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for sworn statement to be made to the Treasurer or Comptroller of such cities by all persons, firms

or corporations which conduct a fire insurance agency or brokerage business within such cities and to prescribe the penalty for failure to make and file such statements, and for enforcing such penalty; to provide for the payment into such fund dues to be collected from property owners who carry no fire insurance but who carry or set aside a reserve fund against loss or damage by fire or who carry insurance in or with fire insurance companies not authorized to do business in the state of Alabama, to provide for verified statements to be made by such property owners to the Commissioner of Insurance, to provide for the collection of such dues, and to prescribe the penalty for failure to make such payment and/or verified statement, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize, and empower such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectfully under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment of One Hundred (\$100.00) Dollars out of such funds, upon the death of an active or retired member of such fire department, to the beneficiary of such deceased member; to provide for fixing the status of paid members of the fire department of any City, Town, Suburb, or Settlement which may be annexed or become a part of Cities which shall come under and be governed by the provisions of this Act, relative to the retention of such paid members, and the granting of pensions and relief privileges to them; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said Board of Trustees and the said fund; to provide for medical examination and diagnosis of the physical or mental condition of sick or disabled members of such fire department; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act." approved September 9, 1935.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND
ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 437. Concerning the ascertainment of principal and income and the apportionment of Receipts and Expenses among Tenants and Remaindermen, and to make uniform the Law with Reference Thereto.

Also:

H. 590. To amend Sections 3, 4 and 18 of an Act entitled "An Act to amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pensions and relief; and for the drawing of warrant against said funds; and provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years of service; to provide for allowances or benefits to widows and

children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved February 16th, 1923." which was approved September 29th, 1923.

Also:

H. 702. To amend Section 6752 of the Code of Alabama of 1923.

Also:

H. 716. To provide for and regulate a system of Probation and Parole of persons convicted of crime in Juvenile and Domestic Relations Courts and courts of like jurisdiction in each and all counties of this State which now have a population of ninety-eight Thousand population or more, according to the last Federal Census or which shall have such population or more according to any such census hereafter taken; to authorize the suspension of the execution of sentences in such cases; to provide for the release on probation and supervision of persons on probation or parole and whose sentences are suspended; to prescribe the conditions of probation and parole; to provide for the rearrest and recommitment of Probationers and Parolees violating their conditions of probation or parole; and to provide for the payment of costs of court in cases where execution of sentence is suspended.

Also:

H. 733. To Amend Section 8498 of the Code of Alabama of 1923:

Also:

H. 847. To amend an Act entitled "An Act To authorize the creation and incorporation of a Commission, providing for its powers and duties, authorizing it to lease or purchase construct and reconstruct Highway Bridges, approaches and appurtenances thereto, across any river in the State of Alabama, or across any body of

water separating the mainland of the State of Alabama from any island forming a part of the State of Alabama, to maintain and operate said bridges, approaches and appurtenances thereto, and charge tolls thereon, and to issue bonds; providing for the payment of such bonds and providing for the rights and remedies of bondsholders", approved February 7, 1935, as amended; and to authorize the State Highway Department to aid in the construction, reconstruction, maintenance and operation of any such bridge, and to contract with such Commission with reference thereto, and to ratify the change heretofore made in the name of the corporation organized pursuant to said act.

Also:

H. 851. To authorize the Department of Conservation to have complete management of and supervision over certain public lands and lands of public institutions. To authorize the Department of Conservation to have complete management of and supervision over all school lands as defined in Section 629 of the 1927 Alabama School Code, which lands are now vested in or which may hereafter be vested in the State of Alabama in trust for the use of schools; to empower the Director of Conservation to supervise the management and utilization of such lands; to authorize the Director of Conservation to sell timber or minerals from school lands or lease such lands; to provide for the clearing of title thereto; to provide for the disposition of revenues from such sales or leases and to further provide the method by which such revenue shall be apportioned to the proper townships; to repeal certain Sections of the Alabama School Code; to further authorize the Department of Conservation to have complete management of and supervision over all Swamp and Overflowed Lands which are now owned or which may hereafter be owned by the State of Alabama; to empower the Director of Conservation to supervise the practice of forestry thereon; to sell all merchantable timber or minerals when in his opinion same is advisable; to provide for the disposition of revenues from such sales; to have title to such land examined and cleared; to repeal certain Sections of the Code of Alabama; to further provide for the sale or exchange of school land; to further provide for the disposition of the revenue from such sales and the method by which such revenue shall be apportioned to the proper townships; to provide for the lease, exchange or sale of Swamp and Overflowed Lands and provide for the disposition of revenue from such leases or sales; to further provide for the correction of the records in the Secretary of State's office which pertain to such State Lands for the purpose of facilitating the management and supervision thereof;

Also:-

H. 947. To define, regulate and license barbers and barber colleges, and other like businesses in Walker County, Alabama; to create a Barbers' Commission for Walker County, Alabama, and to give the same power and jurisdiction to approve agreements fixing minimum prices for barber shops in Walker County, Alabama; defining additional powers of the Barbers' Commission of Walker County, Alabama, and providing penalties for the violation of the provisions of this Act.

Also:

H. 967. To make an appropriation for the publication of the Alabama Historical Quarterly.

Also:

H. 982. To create a Board of Revenue and Control of Conecuh County, Alabama, and to abolish the existing Board of Revenue of said county; to prescribe the duties, powers and authority of said Board of Revenue and Control, and the limitations thereon; to fix the qualifications of members of said board; to fix their compensation and manner of payment; to provide for the filling of vacancies on said board; to designate the members thereof and fix their terms of office; to provide for the election of their successors and to fix their term of office; to provide the effective date of said act, and to repeal all laws, and parts of laws in conflict.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills and House joint resolutions mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 A.M. on September 15, 1939:

H. 218.

H. 259.

H. 392.

H. 408.

H. 440.

H. 491.

H. 492.

H. 495.

H. 525.

H. 534.

H. 550.

H. 554.

H. 555.

H. 598.

H. 642.

H. 650.

H. 657.

H. 739.

H. 768.

H. 770.

H. 795.

H. 796.

H. 833.

H. 874.

H. 879.

H. 924.

H. 928.

H. 930.

H. 941.

H. 948.

H. 952.

H. 954.

H. 956.

H. 957.

H. 982.

H. 983.

H. 988.

H. 1001.

H. 1004.

H. 1006.

H. 1015.

H. J. R. 122.

H. J. R. 126.

Delivered to the Governor at 3:15 P.M. on September 15, 1939:

H. 687.

H. 688.

H. 964.

Delivered to the Governor at 5:55 P.M. on September 15, 1939:

H. 397.

H. 681.

H. 710.

H. 772.

H. 773.

H. 782.

H. 951.

H. 997.

Delivered to the Governor at 10:15 P.M. on September 15, 1939:

H. 195.

H. 364.

H. 494.

H. 596.

H. 640.

H. 732.

H. 738.

H. 771.

H. 866.

H. 871.

H. 968.

H. 1010.

H. 1032.

H. 1033.

H. 1036.

H. 1040.

H. 412.

H. 430.

H. 438.

H. 512.

H. 528.

H. 689.

H. 734.

H. 774.

H. 844.

H. 848.

H. 901.

H. 1000

H. 1005.

H. 1008.

H. 1009.

Delivered to the Governor at 10:50 P. M. on September 15, 1939:

H. 439.

H. 521.

H. 954.

H. 576.

H. 608.

H. 620.

H. 744.

H. 745.

H. 976.

H. J. R. 130.

Delivered to the Secretary of State at 10:50 P. M. on September 15, 1939:

H. 693.

H. 849.

Delivered to the Governor at 11:55 on September 15, 1939.

H. J. R. 118.

H. 428.

H. 660.

H. 647.

H. 437.

H. 590.

H. 702.

H. 716.

H. 733.

H. 851.

H. 947.

H. 967.

H. 982.

H. 589.

H. 847.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Beck, the House, in accordance with a joint resolution heretofore adopted, adjourned until Tuesday, June 25th, 1940, at twelve o'clock, noon.

FORTY-EIGHTH DAY

House of Representatives,
Montgomery, Alabama,
Tuesday, June 25th, 1940.

The House met pursuant to adjournment—

PRAYER

The session was opened with prayer by Mr. Collier, of the House.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Devers	Langley	Sanderson
Allen	Dobbs	Locke	Scott
Austin	Dominick	Lovelace	Segrest
Bagley	Doster	Martin	Sessions
Ball	Ellis	Mathews (Clarke)	Sherrer
Barchard	Flowers	Matthews (Jackson)	Sightler
Barnes	Garrett	Mayhall	Smyer
Beck	Gewin	Miller	Snyder
Booth	Golson	McCord	Spence
Boswell	Graham	McDanal	Stallings
Branyon	Graves	McGowin	Stone
Brown (Covington)	Green	Nation	Taylor
Brown (Lee)	Gwin	Neighbors	Tidmore
Carwile	Hall	Newman	Toomer
Castleberry	Hamilton	Norman (Bullock)	Tucker
Chewning	Hardwick	Norman (Lowndes)	Walden
Christopher	Hare	Owens	Waldrop
Clayton	Haynes	Payne	Wallace
Cobb	Henson	Petrey	Waller
Collier	Hill (Lauderdale)	Phillips	Welch
Cook	Hill (Marion)	Pool	Weston
Cope	Hodo	Quarles	Whigham
Davis (Madison)	Inge	Robertson (Cullman)	White
Davis (Montgomery)	Jenkins	Robinson (Lowndes)	Wood
Dearman	Kaul	Robinson (St. Clair)	Young
Delony	Langan	Sadler	

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A quorum was present.

LEAVE OF ABSENCE

Was granted to Messrs. Wright and Pitts.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that we have examined the Journal of the House for the 47th legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley the reading at length of the Journal of the House for the 47th legislative day was dispensed with and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the 47th legislative day was approved.

STATE OF ALABAMA,
MONTGOMERY COUNTY

I, J. Ed. Livingston, Associate Justice of the Supreme Court of Alabama, hereby certify that on the twenty-second day of May, 1940, Richard H. Inge and E. G. Hamilton, came before me and took the oath of office as a Member of the House of Representatives of the State of Alabama, as provided by Section 279 of the Constitution of Alabama of 1901.

J. Ed. Livingston,
Associate Justice of the Supreme
Court of Alabama.

STATE OF ALABAMA,
MONTGOMERY COUNTY

I, J. Ed. Livingston, Associate Justice of the Supreme Court of Alabama, hereby certify that on the tenth day of June, 1940, Orlan B. Hill came before me and took the oath of office as a Member of the House of Representatives of the State of Alabama, as provided by Section 279 of the Constitution of Alabama of 1901.

J. Ed. Livingston,
Associate Justice of the Supreme
Court of Alabama.

RESOLUTIONS

The following resolutions were introduced:

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RESOLUTION

Rules Committee:

H. R. 136. Be It Resolved By the House of Representatives that the following Bills in order named, be made special, paramount and continuing order for the Forty Eighth Legislative Day:

H. 917, page 39.

H. 1035, page 57.

H. 791, page 11.

H. 792, page 12.

H. 1065, page 84.

H. 1067, page 72.

H. 435, page 24.

H. 863, page 50.

H. 966, page 42.

H. 593, page 51.

H. 720, page 20.

H. 611, page 10.

H. 979, page 41.

H. 385, page 33.

H. 932, page 42.

H. 661, page 21.

H. 862, page 29.

S. 363, page 6.

The above H. R. No. 136 was adopted by the House.

By Messrs. Petry, Boswell and Barnes:

H. R. 137. WHEREAS, this legislature has heard with genuine regret and sorrow of the death of our esteemed colleague, Hon. C. C. Peacock, representative from Coffee County, at his home in New Brocton on June 7, 1940, and

WHEREAS, we held Representative Peacock in affectionate regard and appreciation for his many splendid traits of character

and his high conception of duty as a public servant and private citizen, and

WHEREAS, Representative Peacock's services in this legislature were beneficial to his state and county and of the highest order of patriotism,

THEREFORE BE IT RESOLVED, that we extend to his family our tenderest sympathy and that a copy of these resolutions be sent them by the Clerk of the House.

BE IT FURTHER RESOLVED, that when this legislature adjourns today it do so as a further mark of respect to our deceased colleague, C. C. Peacock of Coffee County.

On motion of Mr. Boswell the rules were suspended, and the H. R. 137 was adopted by the unanimous rising vote of the House.

By Mr. McGowin:

H. J. R. 138. BE IT RESOLVED By the House, the Senate concurring, that when the two houses adjourn today they adjourn to meet again on Thursday morning, June 27th at 10:00 A. M.

On motion of Mr. McGowin the rules were suspended and the H. J. R. 138 was adopted.

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Mr. McGowin, Chairman of the Committee of the Whole House, made the following report:

To the House of Representatives of Alabama:

The Committee of the Whole, created pursuant to House Resolution 132, to consider House bills 917 and 1035, both by Mr. Welch, begs leave to report to the House of Representatives of Alabama as follows:

That pursuant to the authority to him granted by the said committee, the chairman thereof, at the direction of the Code Committee, duly called said committee into session in the House Chamber at noon on the 10th of June, 1940, then and there to further consider the said House bills. Said committee at said time and place entered upon the discharge of its said duties, and upon due consideration of said bills resolved that it recommend to the House that said bills be amended, as per copies attached hereto, and marked respectively, Exhibits A and B, and that as thus amended, the same be passed by the House.

The said committee having thus fully discharged the duties upon it enjoined by the House did, on the 25th day of June, 1940,

rise and adjourn, and it recommends to the House that it be discharged.

Respectfully submitted,
Earl N. McGowin,
Chairman.

EXHIBIT A

Amendment to House bill 917 by House of Representatives sitting as Committee of the Whole.

Amend caption and body of House bill No. 917 to read as follows:

A BILL

To be entitled An Act to adopt a Code of Laws for the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the work prepared by The Harrison Company, The Michie Company, and The West Publishing Company, as the Code Commissioner, in accordance with the terms of contracts entered into, on the 8th day of February, 1939, and the 30th day of August, 1939, by and between the said companies, on the one part, and the State of Alabama, acting by and through the Governor, on the other part, under the authority of an act approved February 7, 1939, providing for the revision, codification, digesting and promulgation of the public statutes of this State, and repealing "an act entitled to provide for the revision, codification, digesting, and promulgation of the public statutes of this State approved April 21, 1936," and an act approved August 30, 1939, further providing for the revision, codification, digesting, and promulgation of the public statutes of the State of Alabama, which act is supplemental to and cumulative of the act approved February 7, 1939, as such work has been revised, amended, corrected and reported by the Joint Committee of the two Houses of the Legislature created for such purpose, which work is shown upon the sheets of the manuscripts bearing the official stamp of the Chairman of the Joint Committee, be and the same hereby is adopted and enacted as the Code of Alabama.

Section 2. The Code of Alabama as herein adopted shall go into effect and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication, and shall govern completely, so far as a statute can, the subjects to which it relates; provided, however, that no statute enacted on or after

the 25th day of June, 1940, shall be repealed or affected in any manner by the adoption of this Code.

Section 3. Upon the passage and approval of this act, the Secretary of the Senate shall forthwith deliver the manuscript of the Code of Alabama as herein adopted, together with the minutes and all other records of the Joint Committee of the two Houses of the Legislature created for the purpose of revising, amending and correcting the work prepared by the Code Commissioner, to the Chairman of said Committee, the Vice-Chairman of said Committee, and the Speaker Pro Tem of the House of Representatives, who shall constitute a Commission for the purpose of carrying out the provisions of this section. The Commission shall thereupon deliver such manuscript to the Code Commissioner, which Code Commissioner shall proceed to print the Code of Alabama according to the terms of the contracts referred to hereinabove. When the printed Code of Alabama is completed, the Code Commissioner shall certify that the same has been compared with the manuscript of the Code of Alabama as adopted by the Legislature and that the Code of Alabama as printed is the same as adopted, which certificate must be printed in every copy of the Code of Alabama. Thereupon, the manuscript of the Code of Alabama shall be returned by the Code Commissioner to the Commission herein created. It shall be the duty of the Commission herein created to forthwith transmit such manuscript, together with the minutes and all other records delivered to it by the Secretary of the Senate, to the Secretary of State. The Director of Finance shall procure and furnish to the Secretary of State such number of suitable fireproof iron or steel boxes or cabinets as may be necessary, in which to safely keep the manuscript of the Code of Alabama and the minutes and other records delivered to him by such Commission. Each box or cabinet shall be equipped with two locks, the key to one of which shall be kept by the Secretary of State or his chief clerk, the key to the other to be kept by the State Treasurer or his chief clerk. Such boxes or cabinets shall be kept in the office of the Secretary of State and shall not be opened except in the presence of the Secretary of State and the State Treasurer. In the absence of the Secretary of State, the presence of his chief clerk shall suffice, and in the absence of the State Treasurer, the presence of his chief clerk shall suffice. The original manuscript and the minutes and other records delivered to the Secretary of State by the Commission herein created shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of his office, shall certify any part or parts thereof upon the payment to him of the fee provided by law for similar services. The members of the Commission herein created shall each receive, as compensa-

tion for the performance of the duties herein placed upon them, the sum of Twenty-five Dollars per day for each day actually engaged in the performance of such duties, not to exceed Twenty-five Hundred Dollars, and shall be reimbursed for all actual expenses necessarily incurred by them in the performance of such duties. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated such sum as may be necessary to pay the compensation and expenses herein provided for, including the cost of procuring the boxes or cabinets herein required to be furnished to the Secretary of State.

Section 4. The Code of Alabama, as printed and published, with the certificate of the Code Commissioner hereinabove provided for, must be received as the law in all courts and in all proceedings before any board, body or officer of this State, subject to corrections by the original manuscript on file in the office of the Secretary of State; provided, however, the annotations, title pages, cross references, and marginal references of the Code of Alabama shall not constitute or be construed as a part of the laws of this State, but are intended as mere indices of the contents thereof.

Section 5. That this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

EXHIBIT B

Amendment to House bill 1035 by House of Representatives sitting as Committee of the Whole.

Amend caption and body of House bill No. 1035 to read as follows:

A BILL

To be entitled An Act to provide for the distribution of the 1940 Code of Alabama, abridgments, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Secretary of State on publication and delivery to the State, to transmit acts of the 1940 Code of Alabama to the following agencies, departments, institutions, bureaus, boards, commissions and offices:—

- (1) One set to the Congressional Library;
- (2) One set to the custodian of the Law Library of the court of last resort of every state and territory extending like courtesy to

this state, upon the approval of the Marshal of the Supreme Court of Alabama of the request therefor;

(3) One set to the library of the University of Alabama and one set to the Land Commissioner of the University of Alabama;

(4) One set to each member of this Legislature, including the Lieutenant Governor;

(5) One set to the librarian of the Alabama Polytechnic Institute;

(6) One set to the librarian of Alabama College;

(7) One set to the libraries of each Normal School;

(8) Ten sets to the librarian of the Supreme Court for the use of the library;

(9) Two sets to the Department of Archives and History;

(10) One set to the head of every department in the State Capitol and to the various bureaus, boards and commissions of the State upon application therefor approved by the Governor;

(11) One set to every sheriff;

(12) One set each to every circuit solicitor, deputy solicitor and county solicitor;

(13) One set to the governing body of each county for the use of said governing body and for the use of the tax assessor, tax collector, superintendent of education, county treasurer or depository and other county officers to whom distribution is not otherwise provided for;

(14) One set to the clerk of the circuit court of each county and in counties having two courthouses one set for the office of the circuit clerk maintained in each of said courthouses;

(15) One set to the register in equity of the circuit court in every county and in counties having two courthouses one set for the office of the register maintained in each of said courthouses, provided, however, that in counties where the offices of circuit clerk and of register in equity are held by the same person, only one set shall be provided;

(16) Two sets to the probate judge of each county, one of which shall be for the use of the probate judge and the probate court and the other of which shall be kept in the office of the probate judge for the use of any and all justices of the peace or courts exercising the jurisdiction of justices of the peace in said county, whose final jurisdiction in the trial of misdemeanors is limited to one precinct. The judges of probate of the several counties shall allow justices of the peace and judges of such courts to take volumes of said sets from the probate office of the county, taking receipts therefor from such justices or judges and shall require that the same be returned to the probate office of the county within seven days of the date upon which the same were taken therefrom under said receipt. Any justice of the peace or inferior court

judge who takes from the office of the probate judge a volume of said code and who fails or refuses, for any cause whatsoever, including destruction, loss or theft, to return same within seven days of the date on which he takes the said volume and gives receipt therefor, shall be liable for the sales price of the said volume, as fixed by the Governor. In the event of such failure or refusal to return a volume or volumes taken from the office of the probate judge as herein provided for, the circuit solicitor for said county forthwith, in the name of the State, shall commence and prosecute action against the said justice of the peace or inferior court judge and the sureties upon his official bond in any court having jurisdiction thereof for the recovery of the value of said volume which said justice of the peace or inferior court judge fails or refuses to return to the probate judge of the county, as herein provided for. Any moneys collected hereunder shall be covered into the General Fund of the State;

(17) Fifteen sets to the Attorney General of the State;

(18) One set to every justice of the Supreme Court and every judge of the Court of Appeals, and to every judge of the circuit court, law and equity court and court of record exercising final jurisdiction in more than one precinct of the county, and to every judge of a statutory inferior court exercising county-wide jurisdiction. Provided, however, that in those counties in the State in which the probate judge is ex-officio judge of the county court or other court inferior in jurisdiction to the circuit court, the transmittal of one set of said annotated code to the probate judge of said court shall suffice;

(19) One set to the office of the Secretary of the Senate for the use of the Senate; and one set to the office of the Clerk of the House of Representatives for the use of the House of Representatives;

(20) One set to the mayor or other executive or presiding officer of each municipality for the use of such municipality.

Section 2. The Secretary of State shall set aside in the place provided for the storage of the sets of said annotated code two hundred sets thereof, which he may distribute to any public agency or officer applying therefor upon the approval of the Governor of said application.

Section 3. Duplicate sets of said annotated code, to replace sets lost or destroyed, without fault of the custodian, may be furnished to any officer entitled thereto upon application to the Secretary of State, provided said application is approved by the Governor.

Section 4. The Secretary of State is hereby authorized to sell sets of said annotated code to any person, firm, or corporation within or without the State, so long as the same are available for sale, at uniform cash prices as may be determined upon and fixed

by the Governor. Provided, however, that the price fixed by the Governor for sales to persons, firms or corporations shall, in no event, be less than \$67.50 per set. Not more than three sets of said annotated code shall be sold to any one person, firm, or corporation. The Governor may fix one price for the sale of sets of said annotated code within the State of Alabama and a larger price for the sale of said sets without the State of Alabama.

Section 5. Except those sets of Codes distributed to members of the Legislature and the Lieutenant Governor, the title to all of the sets of the annotated code, the distribution of which to officers and offices of the State and the several counties and municipalities thereof as hereinabove provided for, shall forever remain in the State of Alabama and said sets shall never become the personal property of any person or corporation however long they shall have had possession thereof. Officers, employees and agents of the State and of the several counties thereof to whom a set of said annotated code is transmitted by the Secretary of State under the provisions of this act, upon the severance of their connection with their offices, employments or agencies shall deliver over to their successors, if any, and if there are no successors, to the Secretary of State or to the probate judge of the county in which such office, employment or agency exists the set or sets of said annotated code in their possession, taking duplicate receipts therefor, one of which said receipts, if issued by the probate judge, shall be mailed to the Secretary of State. Sets coming into the custody of the probate judge by the next preceding sentence hereof shall be reported by him to the Secretary of State who shall provide for their return to the office of the Secretary of State. Upon the failure of any officer, employee or agent to comply with the provisions of this section relative to the return of sets of the annotated code in their custody they and the sureties upon their official bonds, if any, shall be liable for the value of the sets or volume thereof not returned as herein required, to be recovered by action in the name of the State commenced and prosecuted by the circuit solicitor of the county of their respective residences, in any court having jurisdiction of said suit.

Section 6. It shall be the duty of the Secretary of State to take receipts from each public official of the State and of the several counties to whom he distributes sets of said annotated code. And, in the event that the Secretary of State shall transmit sets for the use of all of the officers of a county to one officer of the county for distribution to the several officers in said county entitled thereto, the officer making such distribution shall take receipts from the officers, agents or employees in said county to whom he distributes said sets, showing the number of sets distributed, and the date of distribution, which said receipts must be witnessed by the

officer distributing the same, and said receipts shall forthwith be sent by registered mail to the office of the Secretary of State. The Secretary of State shall register in a well bound book, which shall be a permanent record in his office, the name, official title and address of every public official, employee or agent of the State and of the several counties thereof to whom has been distributed sets of said annotated code under the provisions of this act and who has signed a receipt therefor; and shall record the date of said distribution and the number of sets distributed to each such officer, agent, or employee. Upon the return of any sets by officers, agents and employees of the State or of any county thereof, as herein provided, the Secretary of State shall note in said record book the date of said return and the number of sets or volumes returned.

Section 7. That the Governor of the State of Alabama be and he is hereby authorized to contract, at a price not to exceed \$7500.00, for the preparation and publication of a compilation of those sections of the Code of Alabama which, in the opinion of the Attorney General, are essential to the effective performance of the duties of the justices of the peace of this state. Such compilation shall be completely indexed and may include the annotations to the sections of the Code included in the compilation. The compilation, when printed, shall be distributed to the commissioned justices of the peace, including notaries public ex-officio justices of the peace and judges of inferior courts created or established in lieu of such courts, without charge in the same manner as the Code of Alabama is distributed to other officials.

Section 8. There is hereby appropriated, out of the moneys in the State Treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to carry out the provisions of this act relating to the distribution of the sets of said code to the several State and County officers, agents and employees.

Section 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 10. That this act shall be effective from and after its passage and approval by the Governor or its otherwise becoming a law.

On motion of Mr. McGowin the report from the Committee of the Whole House was concurred in and adopted.

TO THE LEGISLATURE OF ALABAMA

The Committee of the Whole House of the House of Representatives has instructed me, as Chairman of said Committee of the Whole House, to make the following report to the House of Representatives on action taken on the following bills:

H. 791—

H. 792—Truck bills

H. 1065—Military bill

S. 72—Relating to

S. 73—Federal Housing Authorities

S. 74—

S. 98—

S. 405—

S. 406—Public Health

H. 409—Depositing dead animals in streams and

H. 863—Hog serum

Respectfully submitted,
Earl M. McGowin, Chairman

Committee of the Whole House.

On motion of Mr. McGowin the report from the Committee of the Whole House was concurred in and adopted.

Mr. Welch, Chairman of the Code Committee made the following report:

REPORT OF CODE COMMITTEE

To the House of Representatives and the Senate of the State of Alabama:

Your joint committee of the Legislature of Alabama, appointed by the House and Senate in pursuance of Act No. 135 of this Legislature, approved March 14, 1939, and continued in pursuance of Act No. 297 of this Legislature, approved August 30, 1939, to read the manuscripts of the new Code, prepared in part by Hon. Hugh Dent, deceased, and completed under contract with The Michie Company, The Harrison Company, and West Publishing Company, as Code Commissioner, respectively reports as follows:

Soon after your committee was appointed, it organized by electing Representative W. S. Welch, Chairman; Senator John A. Lusk, Vice-Chairman; Senator Karl C. Harrison and Representative W. G. Hardwick, Law Clerks; and, Miss Faynia Ferrandello and Mrs. Wilhelmina Rhoton, Stenographers.

Your committee has read every section of the manuscript of the new Code and compared it with the corresponding section of the 1923 Code, or of the Act or Acts of the Legislature which the section codified, and has "revised, amended, and corrected the manuscript so as to make it a harmonious body of laws as nearly perfect as possible" as required by the Acts of the Legislature which provided for the creation, appointment, and continuance of this committee.

Your committee has incorporated into the Code manuscript, all General Laws passed by this Legislature at this session, and also has incorporated in the Code manuscript, all General Laws passed at the 1939 Extra Session of this Legislature, as required by the two Acts referred to in the first paragraph of this report. This has been done by your committee in cooperation with the Code Commissioner.

It being the opinion of this committee that its primary duty has been to codify the statute laws of the state, and not to legislate, it has throughout its work carried out this idea with the result that we have done as little, possibly, less, legislation than any Code Committee in the history of the state. A large portion of the legislation that has been done in the Code, has been done under specific instructions issued to your committee by the House and the Senate sitting in Committees of the Whole. We have added to statutes so as to make them complete and to bridge places in the law where we have found what we have conceived to be patent omissions. We have also omitted parts of statutes where we have found patent duplications or surplusage. We have in many instances rewritten sections of the old Code, as well as sections of the Acts of the Legislature for the purpose of clarification. We have in this process endeavored to carry forward into the manuscript of the new Code, the meaning and intent of the lawmakers when the statutes were enacted. In ascertaining the meaning and intent of the lawmakers, we have consulted the decisions of the Supreme Court of Alabama in instances where that Court has spoken on the subject, and when we have had no such expression from the Supreme Court, we have exercised our own judgment. In the rush of Legislative work, statutes are sometimes hurriedly and poorly written. Where we have found cases of this kind, we have felt that it was our duty to do so, and we have, endeavored to make the statutes clearly express the intent of the Legislature, and have so worded the statutes as to make them more easily read and understood.

We have omitted from the Code manuscript, statutes which have been declared unconstitutional by either the Supreme Court of Alabama, or the Supreme Court of the United States. We have likewise omitted such statutes as have served their purpose and no longer have a useful place in the Code. In a very few instances,

we have omitted from the manuscript, statutes that are patently unconstitutional, but which have not been so declared by the courts. Our reading of the statutes of this state has disclosed that many of them have been superseded or repealed by subsequent statutes which made no reference to them. In such instances, we have omitted from the new Code manuscript the statutes so superseded or repealed.

We have kept minutes throughout sittings which have been signed by the Chairman of the Code Committee and filed with the manuscript. One thousand copies of a report from such minutes have been printed for use of the House and Senate, and have been placed in the hands of the members of the two houses prior to the filing of this report.

In addition to the minutes referred to above, your committee has kept a Master Code, consisting of the 1923 Code and all Acts of the Legislature which have been codified and placed in the manuscript of the new Code. All of the sections of the 1923 Code and all of the Acts of the Legislature which have been codified have had placed on them marginal notes which indicate what has been done with the sections of the old Code, and what has been done with the Acts of the Legislature. This Master Code has likewise been filed with the manuscript and the minutes of this Committee.

Having completed our work, we submit to the Legislature the manuscript of the new Code as revised, amended, and corrected by us, and recommend that the manuscript be adopted and enacted as the Code of Alabama, and that provision be made for its printing and distribution.

Respectfully submitted,

W. S. Welch, Chairman

John A. Lusk, Vice-Chairman

A. A. Carmichael, Lieutenant-Governor, Ex-officio Member.

Hugh D. Merrill, Speaker of the House of Representatives, Ex-officio Member.

E. F. Hildreth, Member

Finis E. St. John, Jr., Member

Charles E. Shaver, Member

Charles A. Stakely, Jr., Member

Aubrey Dominick, Member

L. H. Ellis, Member

Walter P. Gewin, Member

James A. Hare, Jr., Member

Joseph N. Langan, Member

Percy M. Pitts, Member

Sidney W. Smyer, Member

BILLS ON SECOND READING

Mr. Hill, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 306. To Amend an Act entitled "An Act to provide for State registration of Medical Technicians" approved March 2, 1937.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House without recommendation:

S. 478. To provide judicial officers of the State; to designate them as supernumerary judges; to provide the conditions under which a judge of the Court of Appeals or a judge of the Circuit Court may become a supernumerary judge; to provide the qualifications, tenure, duties, powers, authority, jurisdiction and compensation, and the method of removal of such supernumerary judge; to appropriate funds for the payment of such compensation; to provide for the performance by such supernumerary judge of judicial duties, and to otherwise regulate the office of supernumerary judge.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 416. To authorize the Board of Revenue and Control of Morgan County, Alabama, to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while performing the duties of deputy sheriff.

S. 503. To define, regulate and license barbers and barber shops in Marshall County, Alabama, and to create a Barbers Commission for said County, and to provide a penalty for the violation of the provisions hereof.

S. 505. To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly install-

ments, and to require said deputy to give bond in the sum of \$2,000.00 payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923.

S. 511. To create and establish in and for Mobile County, Alabama, a Court of County Commissioners; to provide for the election and selection of the members of said Court; to define the powers and duties of such Court and the members thereof; to fix the compensation of the members of said Court and their terms of office, and to abolish the Board of Revenue and Road Commissioners of said County.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate joint resolutions, your signature thereto is requested.

S. J. R. 52. In regard to the procuring of medical kits for the House and Senate.

S. J. R. 53. Pertaining to the rights of the States and the rights of the Federal Government to submerged lands and tidelands bordering upon their respective territories.

S. J. R. 58. In regard to the return of an old historic Flag of the State from the State of Iowa.

S. J. R. 74. In regard to a bill prohibiting the issuance of premiums by manufacturers.

J. E. Speight,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate joint resolutions, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

H. 917. To adopt a Code of Laws for the State of Alabama.

Was taken up. Mr. Welch offered the following substitute for the bill, H. 917.

Substitute for H. 917, by Mr. Welch:

A BILL

To be entitled An Act to adopt a Code of Laws for the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the work prepared by The Harrison Company, The Michie Company, and The West Publishing Company, as the Code Commissioner, in accordance with the terms of contracts entered into, on the 8th day of February, 1939, and the 30th day of August, 1939, by and between the said companies, on the one part, and the State of Alabama, acting by and through the Governor, on the other part, under the authority of an act approved February 7, 1939, providing for the revision, codification, digesting and promulgation of the public statutes of this State, and repealing "an act entitled to provide for the revision, codification, digesting, and promulgation of the public statutes of this State approved April 21, 1936," and an act approved August 30, 1939, further providing for the revision, codification, digesting, and promulgation of the public statutes of the State of Alabama, which act is supplemental to and cumulative of the act approved February 7, 1939, as such work has been revised, amended, corrected and reported by the Joint Committee of the two Houses of the Legislature created for such purpose, which work is shown upon the sheets of the manuscript bearing the official stamp of the Chairman of the Joint Committee, be and the same hereby is adopted and enacted as the Code of Alabama.

Section 2. The Code of Alabama as herein adopted shall go into effect and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication, and shall govern completely, so far as a statute can, the subjects to which it relates; provided, however, that no statute enacted on or after the 25th day of June, 1940, shall be repealed or affected in any manner by the adoption of this Code.

Section 3. Upon the passage and approval of this act, the Secretary of the Senate shall forthwith deliver the manuscript of the Code of Alabama as herein adopted, together with the minutes and

all other records of the Joint Committee of the two Houses of the Legislature created for the purpose of revising, amending and correcting the work prepared by the Code Commissioner, to the Chairman of said Committee, the Vice-Chairman of said Committee, and the Speaker Pro Tem of the House of Representatives, who shall constitute a Commission for the purpose of carrying out the provisions of this section. The Commission shall thereupon deliver such manuscript to the Code Commissioner, which Code Commissioner shall proceed to print the Code of Alabama according to the terms of the contracts referred to hereinabove. When the printed Code of Alabama is completed, the Code Commissioner shall certify that the same has been compared with the manuscript of the Code of Alabama as adopted by the Legislature and that the Code of Alabama as printed is the same as adopted, which certificates must be printed in every copy of the Code of Alabama. Thereupon, the manuscript of the Code of Alabama shall be returned by the Code Commissioner to the Commission herein created. It shall be the duty of the Commission herein created to forthwith transmit such manuscript, together with the minutes and all other records delivered to it by the Secretary of the Senate, to the Secretary of State. The Director of Finance shall procure and furnish to the Secretary of State such number of suitable fireproof iron or steel boxes or cabinets as may be necessary, in which to safely keep the manuscript of the Code of Alabama and the minutes and other records delivered to him by such Commission. Each box or cabinet shall be equipped with two locks, the key to one of which shall be kept by the Secretary of State or his chief clerk, the key to the other to be kept by the State Treasurer or his chief clerk. Such boxes or cabinets shall be kept in the office of the Secretary of State and shall not be opened except in the presence of the Secretary of State and the State Treasurer. In the absence of the Secretary of State, the presence of his chief clerk shall suffice, and in the absence of the State Treasurer, the presence of his chief clerk shall suffice. The original manuscript and the minutes and other records delivered to the Secretary of State by the Commission herein created shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of his office, shall certify any part or parts thereof upon the payment to him of the fee provided by law for similar services. The members of the Commission herein created shall each receive, as compensation for the performance of the duties herein placed upon them, the sum of Ten Dollars per day for each day actually engaged in the performance of such duties, not to exceed Three Hundred Dollars each, and shall be reimbursed for all actual expenses necessarily incurred by them in the performance

of such duties. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated such sum as may be necessary to pay the compensation and expenses herein provided for, including the cost of procuring the boxes or cabinets herein required to be furnished to the Secretary of State.

Section 4. The Code of Alabama, as printed and published, with the certificate of the Code Commissioner hereinabove provided for, must be received as the law in all courts and in all proceedings before any board, body or officer of this State, subject to corrections by the original manuscript on file in the office of the Secretary of State; provided, however, the annotations, title pages, cross references, and marginal references of the Code of Alabama shall not constitute or be construed as a part of the laws of this State, but are intended as mere indices of the contents thereof.

Section 5. That this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

And the substitute offered by Mr. Welch for the bill, H. 917, was adopted.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Lovelace	Scott
Allen	Doster	Martin	Segrest
Austin	Ellis	Mathews (Clarke)	Sherrer
Bagley	Garrett	Matthews (Jackson)	Sightler
Ball	Gewin	Miller	Smyer
Barchard	Golson	McCord	Snyder
Barnes	Graham	McDanal	Spence
Beck	Green	McGowin	Stallings
Booth	Gwin	Nation	Stone
Boswell	Hall	Neighbors	Taylor
Branyon	Hamilton	Newman	Tidmore
Brown (Covington)	Hardwick	Owens	Walden
Brown (Lee)	Hare	Payne	Waldrop
Chewning	Havnes	Petrey	Wallace
Christopher	Hill (Lauderdale)	Phillips	Waller
Clayton	Hill (Marion)	Pool	Welch
Cobb	Inge	Quarles	Weston
Collier	Kaul	Robertson (Cullman)	Whigham
Cook	Langan	Robinson (Lowndes)	White
Davis (Madison)	Langley	Robinson (St. Clair)	Wood
Delony	Locke	Sadler	Young
Dobbs			

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And said bill:

H. 917. To adopt a Code of Laws for the State of Alabama.

As amended by the substitute offered by Mr. Welch, was read a third time at length and passed.

Yeas, 89; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Martin	Sadler
Allen	Ellis	Mathews (Clarke)	Sanderson
Austin	Garrett	Matthews (Jackson)	Scott
Bagley	Gewin	Mayhall	Segrest
Ball	Golson	Miller	Sherrer
Barchard	Graham	McCord	Sightler
Barnes	Green	McDanal	Smyer
Beck	Gwin	McGowin	Spence
Booth	Hall	Nation	Stallings
Boswell	Hamilton	Neighbors	Stone
Branyon	Hardwick	Newman	Taylor
Brown (Covington)	Hare	Norman (Bullock)	Tidmore
Brown (Lee)	Haynes	Norman (Lowndes)	Toomer
Castleberry	Henson	Owens	Walden
Chewning	Hill (Lauderdale)	Payne	Wallace
Christopher	Hill (Marion)	Petrey	Waller
Collier	Inge	Phillips	Welch
Cook	Kaul	Pool	Weston
Davis (Madison)	Langan	Quarles	Whigham
Davis (Montgomery)	Langley	Robertson (Cullman)	White
Dearman	Locke	Robinson (Lowndes)	Wood
Delony	Lovelace	Robinson (St. Clair)	Young
Dobbs			

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On motion of Mr. Welch the bill, H. 917, was ordered sent forthwith to the Senate without engrossment.

H. 1035. To provide for the distribution of the annotated code; to provide for the conservation of the sets distributed and to provide penalties for the violation of the provisions of this act; and to authorize the sale of said annotated code.

Was taken up. Mr. Welch offered the following substitute for the bill, H. 1035.

Substitute for H. 1035, by Mr. Welch:

A BILL

To be entitled An Act to provide for the distribution of the 1940 Code of Alabama, abridgments, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Secretary of State on publication and delivery to the State, to transmit sets of the 1940 Code of Alabama to the following agencies, departments, institutions, bureaus, boards, commissions and offices:-

(1) One set to the Congressional Library;

(2) One set to the custodian of the Law Library of the court of last resort of every state and territory extending like courtesy to this state, upon the approval of the Marshal of the Supreme Court of Alabama of the request therefor;

(3) One set to the library of the University of Alabama and one set to the Land Commissioner of the University of Alabama;

(4) One set to each member of this Legislature, including the Lieutenant Governor;

(5) One set to the librarian of the Alabama Polytechnic Institute;

(6) One set to the librarian of Alabama College;

(7) One set to the librarian of each Normal School;

(8) Ten sets to the librarian of the Supreme Court for the use of the library;

(9) Two sets to the Department of Archives and History;

(10) One set to the head of every department in the State Capitol and to the various bureaus, boards and commissions of the State upon application therefor approved by the Governor;

(11) One set to every sheriff;

(12) One set to every circuit solicitor, deputy solicitor and county solicitor;

(13) One set to the governing body of each county for the use of said governing body and for the use of the tax assessor, tax collector, superintendent of education, county treasurer or depository and other county officers to whom distribution is not otherwise provided for;

(14) One set to the clerk of the circuit court of each county and in counties having two courthouses one set for the office of the circuit clerk maintained in each of said courthouses;

(15) One set to the register in equity of the circuit court in every county and in counties having two courthouses one set for the office of the register maintained in each of said courthouses, provided, however, that in counties where the offices of circuit clerk and of register in equity are held by the same person, only one set shall be provided;

(16) Two sets to the probate judge on each county, one of which shall be for the use of the probate judge and the probate court and the other of which shall be kept in the office of the probate judge for the use of any and all justices of the peace or courts exercising the jurisdiction of justices of the peace in said county, whose final jurisdiction in the trial of misdemeanors is limited to one precinct. The judges of probate of the several counties shall allow justices of the peace and judges of such courts to take volumes of said sets from the probate office of the county, taking receipts therefor from such justices or judges and shall require that the same be returned to the probate office of the county

within seven days of the date upon which the same were taken therefrom under said receipt. Any justice of the peace or inferior court judge who takes from the office of the probate judge a volume of said code and who fails or refuses, for any cause whatsoever, including destruction, loss or theft, to return same within seven days of the date on which he takes the said volume and gives receipt therefor, shall be liable for the sales price of the said volume, as fixed by the Governor. In the event of such failure or refusal to return a volume or volumes taken from the office of the probate judge as herein provided for, the circuit solicitor for said county forthwith, in the name of the State, shall commence and prosecute action against the said justice of the peace or inferior court judge and the sureties upon his official bond in any court having jurisdiction thereof for the recovery of the value of said volume which said justice of the peace or inferior court judge fails or refuses to return to the probate judge of the county, as herein provided for. Any moneys collected hereunder shall be covered into the General Fund of the State;

(17) Fifteen sets to the Attorney General of the State

(18) One set to every justice of the Supreme Court and every judge of the Court of Appeals, and to every judge of the circuit court, law and equity court and court of record exercising final jurisdiction in more than one precinct of the county, and to every judge of a statutory inferior court exercising county-wide jurisdiction. Provided, however, that in those counties in the State in which the probate judge is ex officio judge of the county court or other court inferior in jurisdiction to the circuit court, the transmittal of one set of said annotated code to the probate judge of said court shall suffice;

(19) One set to the office of the Secretary of the Senate for the use of the Senate; and one set to the office of the Clerk of the House of Representatives for the use of the House of Representatives;

(20) One set to the mayor or other executive or presiding officer of each municipality for the use of such municipality.

Section 2. The Secretary of State shall set aside in the place provided for the storage of the sets of said annotated code two hundred sets thereof, which he may distribute to any public agency or officer applying therefor upon the approval of the Governor of said application.

Section 3. Duplicate sets of said annotated code, to replace sets lost or destroyed, without fault of the custodian, may be furnished to any officer entitled thereto upon application to the Secretary of State, provided said application is approved by the Governor.

Section 4. The Secretary of State is hereby authorized to sell sets of said annotated code to any person, firm or corporation with-

in or without the State, so long as the same are available for sale, at uniform cash prices as may be determined upon and fixed by the Governor. Provided, however, that the price fixed by the Governor for sales to persons, firms or corporations shall, in no event, be less than \$67.50 per set. Not more than three sets of said annotated code shall be sold to any one person, firm or corporation. The Governor may fix one price for the sale of sets of said annotated code within the State of Alabama and a larger price for the sale of said sets without the State of Alabama.

Section 5. Except those sets of Codes distributed to members of the Legislature and the Lieutenant Governor, the title to all of the sets of the annotated code, the distribution of which to officers and offices of the State and the several counties and municipalities thereof as hereinabove provided for, shall forever remain in the State of Alabama and said sets shall never become the personal property of any person or corporation, however long they shall have had possession thereof. Officers, employees and agents of the State and of the several counties thereof to whom a set of said annotated code is transmitted by the Secretary of State under the provisions of this act, upon the severance of their connection with their offices, employments or agencies shall deliver over to their successors, if any, and if there are no successors, to the Secretary of State or to the probate judge of the county in which such office, employment or agency exists the set or sets of said annotated code in their possession, taking duplicate receipts therefor, one of which said receipts, if issued by the probate judge, shall be mailed to the Secretary of State. Sets coming into the custody of the probate judge by the next preceding sentence hereof shall be reported by him to the Secretary of State who shall provide for their return to the office of the Secretary of State. Upon the failure of any officer, employee or agent to comply with the provisions of this section relative to the return of sets of the annotated code in their custody they and the sureties upon their official bonds, if any, shall be liable for the value of the sets or volumes thereof not returned as herein required, to be recovered by action in the name of the State commenced and prosecuted by the circuit solicitor of the county of their respective residences, in any court having jurisdiction of said suit.

Section 6. It shall be the duty of the Secretary of State to take receipts from each public official of the State and of the several counties to whom he distributes sets of said annotated code. And, in the event that the Secretary of State shall transmit sets for the use of all of the officers of a county to one officer of the county for distribution to the several officers in said county entitled thereto, the officer making such distribution shall take receipts from the officers, agents or employees in said county to whom he dis-

tributes said sets, showing the number of sets distributed, and the date of distribution, which said receipts must be witnessed by the officer distributing the same, and said receipts shall forthwith be sent by registered mail to the office of the Secretary of State. The Secretary of State shall register in a well bound book, which shall be a permanent record in his office, the name, official title and address of every public official, employee or agent of the State and of the several counties thereof to whom has been distributed sets of said annotated code under the provisions of this act and who has signed a receipt therefor; and shall record the date of said distribution and the number of sets distributed to each such officer, agent or employee. Upon the return of any sets by officers, agents and employees of the State or of any county thereof, as herein provided, the Secretary of State shall note in said record book the date of said return and the number of sets or volumes returned.

Section 7. That the Governor of the State of Alabama be and he is hereby authorized to contract, at a price not to exceed \$7500.00, for the preparation and publication of a compilation of those sections of the Code of Alabama which, in the opinion of the Attorney General, are essential to the effective performance of the duties of the justices of the peace of this state. Such compilation shall be completely indexed and may include the annotations to the sections of the Code included in the compilation. The compilations, when printed, shall be distributed to the commissioned justices of the peace, including notaries public ex officio justices of the peace and judges of inferior courts created or established in lieu of such courts, without charge in the same manner as the Code of Alabama is distributed to other officials.

Section 8. There is hereby appropriated, out of the moneys in the State Treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to carry out the provisions of this act relating to the distribution of the sets of said code to the several State and County officers, agents and employees.

Section 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 10. That this act shall be effective from and after its passage and approval by the Governor or its otherwise becoming a law.

And the substitute offered by Mr. Welch for the bill, H. 1035, was adopted.

Yeas, 85; Nays, 0.

Yeas:

Mr. Speaker	Delony	Lovelace	Scott
Allen	Dobbs	Martin	Segrest
Austin	Dominick	Matthews (Jackson)	Sessions
Bagley	Ellis	Mayhall	Sherrer
Ball	Garrett	Miller	Sightler
Barchard	Gewin	McCord	Smyer
Barnes	Golson	McDanal	Snyder
Beck	Gwin	McGowin	Spence
Booth	Hall	Nation	Stallings
Boswell	Hamilton	Neighbors	Stone
Branyon	Hardwick	Newman	Taylor
Brown (Covington)	Hare	Norman (Bullock)	Tidmore
Brown (Lee)	Haynes	Owens	Walden
Carwile	Hill (Lauderdale)	Payne	Waldrop
Castleberry	Hill (Marion)	Petrey	Wallace
Chewning	Hodo	Phillips	Waller
Christopher	Inge	Pool	Welch
Clayton	Kaul	Robertson (Cullman)	Weston
Collier	Langan	Robinson (Lowndes)	Whigham
Cook	Langley	Robinson (St. Clair)	Wood
Davis (Madison)	Locke	Sanderson	Young
Davis (Montgomery)			

—85

And said bill:

H. 1035. To provide for the distribution of the annotated code; to provide for the conservation of the sets distributed and to provide penalties for the violation of the provisions of this act; and to authorize the sale of said annotated code.

As amended by the substitute offered by Mr. Welch, was read a third time at length and passed.

Yeas, 89; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Martin	Sanderson
Allen	Ellis	Mathews (Clarke)	Scott
Austin	Gewin	Matthews (Jackson)	Segrest
Bagley	Golson	Mayhall	Sessions
Barnes	Graham	Miller	Sightler
Beck	Graves	McCord	Smyer
Booth	Green	McDanal	Spence
Boswell	Gwin	McGowin	Stallings
Branyon	Hall	Nation	Stone
Brown (Covington)	Hardwick	Neighbors	Taylor
Carwile	Hare	Norman (Bullock)	Tidmore
Castleberry	Haynes	Norman (Lowndes)	Toomer
Chewning	Henson	Owens	Walden
Christopher	Hill (Lauderdale)	Payne	Waldrop
Clayton	Hill (Marion)	Petrey	Wallace
Cobb	Hodo	Phillips	Waller
Collier	Inge	Pool	Welch
Cook	Kaul	Quarles	Weston
Davis (Madison)	Langan	Robertson (Cullman)	Whigham
Davis (Montgomery)	Langley	Robinson (Lowndes)	White
Dearman	Locke	Robinson (St. Clair)	Wood
Delony	Lovelace	Sadler	Young
Dobbs			

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On motion of Mr. Welch the bill, H. 1035, was ordered sent forthwith to the Senate without engrossment.

On motion of Mr. Welch, the Senate was requested to return to the House for further consideration, the bill:

H. 703. To Amend Section 6771 of the Code of Alabama of 1923.

On motion of Mr. McGowin, the call of counties in alphabetical order for the passage of local bills was ordered by the House.

BILLS ON THIRD READING

H. 1045. TO PROVIDE FOR THE DIVISION OF HENRY COUNTY, ALABAMA, INTO FOUR COMMISSIONERS' DISTRICTS; TO DEFINE THE BOUNDARY LINES THEREOF, BY SHOWING THE BEATS COMPOSING SUCH COMMISSIONERS' DISTRICTS; TO PROVIDE FOR THE ELECTION OF ONE MEMBER OF THE COURT OF COUNTY COMMISSIONERS FROM EACH OF SAID COMMISSIONERS' DISTRICTS, BY THE RESPECTIVE VOTERS OF EACH OF SAID COMMISSIONERS' DISTRICTS; TO FIX THEIR TERMS OF OFFICE AND THE DATE OF THEIR ELECTION; TO REPEAL SECTIONS 2, 3, 4, and 5, of AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1923, KNOWN AS HOUSE BILL No. 354; TO REPEAL SECTION 1 OF AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT EXTRAORDINARY SESSION, 1932, KNOWN AS HOUSE BILL No. 537; AND TO REPEAL SECTIONS 1, 2, 3, 4, and 5, of AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1935, KNOWN AS HOUSE BILL No. 430.

Was taken up. Mr. Hall offered the following substitute for the bill, H. 1045:

Substitute for H. 1045, by Mr. Hall:

A BILL

To be entitled "An Act" to provide for the division of Henry County; Alabama, into four Commissioners' Districts; to define the boundary lines thereof, by showing the beats composing such Commissioners' Districts; to provide for the election of one member of the Court of County Commissioners from each of the said

Commissioners' Districts, by the respective voters of each of said Commissioners' Districts; to fix their terms of office and the date of their election; to repeal Sections 2, 3, 4, and 5, of an Act passed, by the Legislature of Alabama, at extraordinary session, 1932, known as House Bill No. 537; and to repeal Sections 1, 2, 3, 4, and 5, of an Act passed, by the Legislature of Alabama, at regular session, 1935, known as House Bill No. 430.

Be it Enacted by the Legislature of Alabama:

Section 1. That Henry County, Alabama, be and is hereby divided into four Commissioners' Districts to be known and called Commissioners' Districts 1, 2, 3, and 4, of Henry County, respectively.

Section 2. That Commissioners' Districts No. 1, shall be composed of and embrace Beats No. 1, 2, and 3 of Henry County, as said Beats are now established in said County; that commissioners' District No. 2 shall be composed of and embrace Beats No. 4, 5, 11, and 12, of Henry County as said beats are now established in said county; that Commissioners' District No. 3 shall be composed of and embrace Beats No. 6, 7, and 10, of Henry County, as said beats are now established in said county; that Commissioners' District No. 4 shall be composed of and embrace Beats No. 8, 9, 13 and 14, of Henry County, as said Beats are now established in said county.

Section 3. That the qualified electors of each of the Commissioners' Districts, as herein created and established shall, as the terms of the members of the present Court of County Commissioners expire, elect one member of said court; and only the qualified electors residing within the limits of each commissioners' District shall be allowed to vote in such election and such member of the Court of County Commissioners shall not be voted for from the entire county, at large, but only be voted upon by the qualified electors from the Commissioners' District in which he resides; and such member of the Court of County Commissioners must actually reside within the Commissioners' District in which he is elected.

Section 4. That this act shall not affect the right or tenure of office of the members of the present Court of County Commissioners of said county, but said members of the present Court of County Commissioners shall continue to hold and discharge their duties of said office as now is incumbent upon them, and as may be made incumbent upon them by the provisions of this Act, until their successors are elected and qualified as is provided in this Act.

Section 5. That in the general election to be held throughout the said County in 1942 there shall be one member of the Court of County Commissioners elected from Commissioners' District No. 2 as herein created and designated; and one member of the Court

of Commissioners from Commissioners' District No. 4, as herein created and designated; that there terms of office shall continue for four years and until their successors are elected and qualified. That in the general election to be held throughout the said County in 1944 there shall be elected one member of the County Court of Commissioners from Commissioners' District No. 1, as herein created and designated and one member of the Court of County Commissioners from Commissioners' District No. 3, as herein created and designated; and their terms of office shall continue for four years and until their successors shall be elected and qualified. Providing that two members of the Court of County Commissioners in the order and as provided in this Section, shall be elected in the Commissioners' Districts every two years; and that nomination for which offices may and shall be made in primary elections as other county officers under the general primary laws of Alabama.

Section 6. That all laws and parts of law in conflict with the provisions of this Act be and the same are hereby repealed; providing especially that Sections 2, 3, 4, and 5, of an Act passed, by the Legislature of Alabama, at Regular Session, 1923, known as House Bill No. 354; and Section 1 of an Act passed, by the Legislature of Alabama, at Extraordinary Session, 1932, known as House Bill No. 537; and Section 1, 2, 3, 4, and 5, of an Act passed, by the Legislature of Alabama, at Regular Session 1935, known as House Bill No. 430, be and they are each, separately and severally, hereby repealed.

Section 7. That if any section, clause, provision, or portion of this Act shall be declared invalid or unconstitutional by any court of competent jurisdiction, the same shall not be held to affect any other section, clause, provision, or portion of this act, but same shall remain in force and effect.

Section 8. That the provisions of this Act shall take effect on and after its passage and approval by the Governor.

And the substitute offered by Mr. Hall for the bill, H. 1045, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker

Allen

Austin

Bagley

Ball

Barnes

Beck

Booth

Carwile

Chewning

Christopher

Clayton

Cobb

Collier

Cook

Dearman

Delony

Dobbs

Dominick

Doster

Garrett

Ellis

Flowers

Gewin

Golson

Graham

Graves

Green

Gwin

Hall

Hare

Haynes

Henson

Hodo

Inge

Kaul

Langan

Lovelace

Martin

Miller

McCord	Phillips	Smyer	Walden
McDanal	Pool	Snyder	Waller
McGowin	Quarles	Spence	Welch
Nation	Sadler	Stallings	Weston
Owens	Scott	Stone	White
Payne	Segrest	Taylor	Young
Petrey			

—65

And said bill:

H. 1045. TO PROVIDE FOR THE DIVISION OF HENRY COUNTY, ALABAMA, INTO FOUR COMMISSIONERS' DISTRICTS; TO DEFINE THE BOUNDARY LINES THEREOF, BY SHOWING THE BEATS COMPOSING SUCH COMMISSIONERS' DISTRICTS; TO PROVIDE FOR THE ELECTION OF ONE MEMBER OF THE COURT OF COUNTY COMMISSIONERS FORM EACH OF SAID COMMISSIONERS' DISTRICTS, BY THE RESPECTIVE VOTERS OF EACH OF SAID COMMISSIONERS' DISTRICTS; TO FIX THEIR TERMS OF OFFICE AND THE DATE OF THEIR ELECTION; TO REPEAL SECTIONS 2, 3, 4, and 5, of AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1923, KNOWN AS HOUSE BILL No. 354; TO REPEAL SECTION 1 OF AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT EXTRAORDINARY SESSION, 1932, KNOWN AS HOUSE BILL No. 537; AND TO REPEAL SECTIONS 1, 2, 3, 4, and 5, of AN ACT PASSED, BY THE LEGISLATURE OF ALABAMA, AT REGULAR SESSION, 1935, KNOWN AS HOUSE BILL No. 430.

As amended by the substitute offered by Mr. Hall, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:			
Mr. Speaker	Dobbs	Hodo	Quarles
Allen	Dominick	Inge	Sadler
Austin	Doster	Kaul	Scott
Bagley	Ellis	Langan	Segrest
Ball	Flowers	Lovelace	Smyer
Barnes	Garrett	Martin	Snyder
Beck	Gewin	Miller	Spence
Booth	Golson	McCord	Stallings
Carwile	Graham	McDanal	Stone
Chewning	Graves	McGowin	Taylor
Christopher	Green	Nation	Walden
Clayton	Gwin	Owens	Waller
Cobb	Hall	Payne	Welch
Collier	Hare	Petrey	Weston
Cook	Haynes	Phillips	White
Dearman	Henson	Pool	Young
Delony			

—65

On motion of Mr. Hall the bill, H. 1045, was ordered sent forth-with to the Senate without engrossment.

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Was taken up. Mr. Smyer offered the following substitute for the bill, H. 1028:

Substitute for H. 1028, by Mr. Smyer:

A BILL

To be entitled An Act to require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. The following words whenever used in this Act shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning: "Engineer", "County Engineer" or "Such County Engineer" shall mean the engineer of the county whose duties most nearly correspond to those of county engineer.

Section 2. PERMIT REQUIRED. No person shall erect or construct any building or structure, nor add to, enlarge, move or demolish any building or structure in any county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census, without first obtaining a permit therefor as hereinafter provided; provided, however, that this Act shall not apply within the corporate limits of any municipality which requires the issuance of building permits therein; and provided further, that this Act shall not apply where the total cost of the construction, enlargement of, addition to, moving, or demolishing such building or structure is less than \$500.00.

Section 3. APPLICATION. Any person desiring a permit as required by this Act shall file with the county engineer of such county an application therefor in writing, verified by affidavit, on a blank form to be furnished by such county. Such application shall contain (1) a definite and legal description of the land upon which the proposed building or work is to be done; (2) the total estimated cost; (3) a brief description of the type and character of such building or work; (4) the use to which such building or structure is to be devoted; (5) and such other information as the county engineer may require.

Section 4. DUTIES OF COUNTY ENGINEER. It shall be the duty of the county engineer of such county, or his duly appointed assistant, to receive and inspect such application filed with him and to issue such permit, within five days from date of filing of same, upon the payment of a fee of \$.50, unless such application is insufficient under this Act, or unless the improvements proposed to be made are in violation of law. Such permits shall be issued upon blanks provided therefor by such county, a duplicate of each permit to be kept by such county engineer. Before issuing any permit such county engineer or his duly authorized assistant shall have the right and authority to examine the detailed plans and specifications of the building proposed to be erected and to inspect the proposed location of the building or work prior to the issuance of the permit but in no event shall he be permitted to refuse to issue said permit unless the proposed improvements to be erected are in violation of law. All permits issued or refused by him and all affidavits and other documents filed shall be kept for a period of at least two years and shall be public records open to inspection at any and all reasonable hours.

Section 5. APPEAL. Whenever a permit is denied by such county engineer the person applying therefor shall have the right at any time within thirty days after such denial, to appeal from the decision of the county engineer to the circuit court having jurisdiction in such county. Such appeal may be taken by filing with the clerk of such circuit court a notice of appeal, together with security for the cost thereof in the circuit court, such security to be approved by said clerk. Such notice of appeal shall show briefly the application which was denied, when it was denied, and the name of the court to which the appeal is taken. Upon the filing of such notice and the approval of the security for cost by the clerk of the court, the clerk of such court shall within ten days issue a notice of appeal to be served on such county engineer. After the service of such notice of appeal, it shall be the duty of such county engineer to forthwith transmit to the clerk of said court a certified copy of the application for such permit, his order thereon, and any

other papers or documents filed with such county engineer relating thereto. In the circuit court the trial shall be de novo.

Section 6. PENALTIES: Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished for such violations according to law.

Section 7. COST. The blank forms herein provided for shall be furnished to the county engineer by the governing body of such county and the necessary costs of administering this Act by the county engineer shall be paid by the governing body of such county.

Section 8. This Act shall go into effect upon its approval by the Governor.

And the substitute offered by Mr. Smyer for the bill, H. 1028, was adopted.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Ellis	McDanal	Snyder
Bagley	Graham	McGowin	Spence
Ball	Graves	Nation	Stone
Barchard	Green	Neighbors	Taylor
Booth	Gwin	Newman	Tidmore
Boswell	Ha'l	Owens	Toomer
Branyon	Hill (Lauderdale)	Payne	Walden
Brown (Covington)	Hill (Marion)	Petrey	Waldrop
Brown (Lee)	Hodo	Phillips	Wallace
Clayton	Inge	Pool	Waller
Cobb	Kaul	Sadler	Welch
Collier	Langan	Segrest	Weston
Cook	Langley	Sessions	Whigham
Cope	Locke	Sherrer	White
Dobbs	Miller	Sightler	Wood
Dominick	McCord	Smyer	Young
Doster			

—65

And said bill:

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

As amended by the substitute offered by Mr. Smyer, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	McDanal	Snyder
Bagley	Graham	McGowin	Spence
Ball	Graves	Nation	Stone
Barchard	Green	Neighbors	Taylor
Booth	Gwin	Newman	Tidmore
Boswell	Hall	Owens	Toomer
Branyon	Hill (Lauderdale)	Payne	Walden
Brown (Covington)	Hill (Marion)	Petrey	Waldrop
Brown (Lee)	Hodo	Phillips	Wallace
Clayton	Inge	Pool	Waller
Cobb	Kaul	Sadler	Welch
Collier	Langan	Segrest	Weston
Cook	Langley	Sessions	Whigham
Cope	Locke	Sherrer	White
Dobbs	Miller	Sightler	Wood
Dominick	McCord	Smyer	Young
Doster			

—65

On motion of Mr. Smyer the bill, H. 1028, was ordered sent forthwith to the Senate without engrossment.

H. 1053. To provide that in all counties of the State which now have or may hereafter have a population of more than 300,000 according to the last or any subsequent Federal Census, the Judge of the Probate Court of such counties may try inquisitions of lunacy with or without a jury; and to further provide that when a jury is demanded in such proceedings, said jury shall be impaneled in the same manner as is now provided for the trial of a will contest in the Probate Courts of this State.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Hamilton	Nation
Allen	Collier	Hardwick	Newman
Austin	Cook	Hare	Owens
Bagley	Davis (Madison)	Haynes	Payne
Barchard	Davis (Montgomery)	Henson	Petrey
Barnes	Dearman	Hill (Lauderdale)	Phillips
Beck	Delony	Hill (Marion)	Pool
Booth	Devers	Hodo	Quarles
Boswell	Flowers	Kaul	Sanderson
Branyon	Garrett	Langan	Scott
Brown (Covington)	Gewin	Langley	Segrest
Brown (Lee)	Golson	Locke	Sessions
Carwile	Graham	Lovelace	Smyer
Castleberry	Graves	Martin	Snyder
Chewning	Gwin	Mathews (Clarke)	Waller
Christopher	Hall	Mathews (Jackson)	Welch
Clayton			

—65

On motion of Mr. Smyer the bill, H. 1053, was ordered sent forthwith to the Senate without engrossment.

H. 1054. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of 400,000 or more, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of Judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and costs of court for the performance of the duties authorized by this act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Hamilton	Nation
Allen	Collier	Hardwick	Newman
Austin	Cook	Hare	Owens
Bagley	Davis (Madison)	Haynes	Payne
Barchard	Davis (Montgomery)	Henson	Petrey
Barnes	Dearman	Hill (Lauderdale)	Phillips
Beck	Delony	Hill (Marion)	Pool
Booth	Devers	Hodo	Quarles
Boswell	Flowers	Kaul	Sanderson
Branyon	Garrett	Langan	Scott
Brown (Covington)	Gewin	Langley	Segrest
Brown (Lee)	Golson	Locke	Sessions
Carwile	Graham	Lovelace	Smyer
Castleberry	Graves	Martin	Snyder
Chewning	Gwin	Mathews (Clarke)	Waller
Christopher	Hall	Matthews (Jackson)	Welch
Clayton			

—65

On motion of Mr. Smyer the bill, H. 1054, was ordered sent forthwith to the Senate without engrossment.

H. 846. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mayhall	Sherrer
Barchard	Garrett	Miller	Sightler
Barnes	Gewin	McCord	Smyer
Branyon	Golson	McDanal	Spence
Brown (Covington)	Graham	McGowin	Stallings
Brown (Lee)	Graves	Nation	Stone
Carwile	Green	Neighbors	Tidmore
Castleberry	Henson	Newman	Walden
Chewning	Hill (Lauderdale)	Norman (Bullock)	Waldrop
Christopher	Hill (Marion)	Norman (Lowndes)	Wallace
Cobb	Kaul	Payne	Waller
Collier	Langan	Petrey	Welch
Cook	Langley	Phillips	Weston
Dearman	Locke	Quarles	Whigham
Delony	Lovelace	Scott	Wood
Dobbs	Martin	Segrest	Young
Doster			

—65

On motion of Mr. Robinson, of Lowndes, the bill, H. 846, was ordered sent forthwith to the Senate without engrossment.

H. 1039. To prescribe the powers and duties of the school trustees for Marion County, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gewin	Miller	Sightler
Allen	Golson	McCord	Smyer
Austin	Graham	McDanal	Snyder
Bagley	Graves	McGowin	Spence
Ball	Green	Nation	Stallings
Barchard	Gwin	Neighbors	Stone
Barnes	Hare	Newman	Tucker
Beck	Haynes	Petrey	Walden
Booth	Henson	Phillips	Waldrop
Boswell	Hill (Lauderdale)	Pool	Wallace
Branyon	Hill (Marion)	Quarles	Waller
Clayton	Hodo	Sadler	Welch
Cobb	Inge	Scott	Weston
Collier	Locke	Segrest	Whigham
Cook	Lovelace	Sessions	Wood
Cope	Martin	Sherrer	Young
Garrett	Mayhall		

—65

On motion of Mr. Hill, of Marion, the bill, H. 1039, was ordered sent forthwith to the Senate without engrossment.

H. 1070. To provide that in all counties in this state which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such

county shall pay, out of their respective county treasuries, the premiums on the official bonds of the sheriffs in such counties as well as the premiums on the official bonds of the deputies, clerks and employees of such sheriffs; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Dominick	McCord	Sessions
Bagley	Doster	McDanal	Sherrer
Ball	Ellis	McGowin	Sightler
Barchard	Green	Nation	Smyer
Barnes	Gwin	Neighbors	Snyder
Beck	Hall	Newman	Spence
Boswell	Hamilton	Owens	Stallings
Branyon	Hardwick	Payne	Stone
Brown (Covington)	Hare	Petrey	Taylor
Brown (Lee)	Hodo	Phillips	Tidmore
Carwile	Inge	Pool	Toomer
Castleberry	Jenkins	Quarles	Walden
Collier	Langan	Sadler	Waldrop
Cook	Lovelace	Sanderson	Weston
Dearman	Mayhall	Scott	Whigham
Delony	Miller	Segrest	Young
Dobbs			

—65

On motion of Mr. Langan the bill, H. 1070, was ordered sent forthwith to the Senate without engrossment.

H. 1057. To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Cobb	Graham	Lovelace
Allen	Collier	Graves	Martin
Austin	Cook	Green	McDanal
Bagley	Cope	Gwin	McGowin
Ball	Dobbs	Hardwick	Nation
Barchard	Dominick	Henson	Norman (Lowndes)
Barnes	Doster	Hodo	Owens
Beck	Ellis	Inge	Payne
Booth	Garrett	Kaul	Petrey
Boswell	Gewin	Langley	Pool
Clayton	Golson	Locke	Quarles

Robinson (Lowndes)	Sightler	Stone	Weston
Robinson (St. Clair)	Smyer	Taylor	Whigham
Scott	Snyder	Tidmore	White
Segrest	Spence	Toomer	Wood
Sessions	Stallings	Welch	Young
Sherrer			

—65

On motion of Mr. Green the bill, H. 1057, was ordered sent forthwith to the Senate without engrossment.

H. 1059. To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovelace	Sightler
Bagley	Dominick	Martin	Smyer
Ball	Ellis	Mathews (Clarke)	Snyder
Barchard	Garrett	Matthews (Jackson)	Spence
Barnes	Gewin	Mavhall	Stallings
Beck	Golson	Miller	Stone
Booth	Graham	McCord	Taylor
Boswell	Graves	McDanal	Tidmore
Carwile	Hamilton	McGowin	Toomer
Castleberry	Hardwick	Owens	Wallace
Chewning	Hare	Payne	Waller
Christopher	Hill (Lauderdale)	Petrey	Welch
Clayton	Hill (Marion)	Phillips	Weston
Cobb	Hodo	Pool	White
Collier	Inge	Quarles	Wood
Dearman	Langley	Sadler	Young
Delony			

—65

On motion of Mr. Ellis, the bill, H. 1059, was ordered sent forthwith to the Senate without engrossment.

H. 1068. To authorize, permit, and allow the Board of Revenue of Tuscaloosa County, Alabama, to authorize the installation and use of voting machines throughout said County or in one or more beats thereof, in all elections, general special or primary, to thereafter held in said County, without submitting the question as to whether or not said voting machines shall be used in said elections to the vote of the electors of said County; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by the said Board of Revenue and used throughout said County or in the beat or beats thereof for which such voting machines are acquired in all said elections thereafter held in said County in conformity with and subject to the general law of the State of Alabama regulating

the acquisition and use of voting machines by counties of the State of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovlace	Sightler
Austin	Dominick	Martin	Smyer
Ball	Doster	Mathews (Clarke)	Snyder
Barchard	Garrett	Mathews (Jackson)	Spence
Barnes	Gewin	Mayhall	Stallings
Beck	Golson	Miller	Stone
Booth	Graham	McCord	Taylor
Boswell	Graves	McDanal	Tidmore
Carwile	Hamilton	McGowin	Toomer
Castleberry	Hardwick	Owens	Wallace
Chewning	Hare	Payne	Waller
Christopher	Hill (Lauderdale)	Petrey	Welch
Clayton	Hill (Marion)	Phillips	Weston
Cobb	Hodo	Pool	White
Collier	Inge	Quarles	Wood
Dearman	Langley	Sadler	Young
Delony			

—65

On motion of Mr. Dominick the bill, H. 1068, was ordered sent forthwith to the Senate without engrossment.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Newman, the bill, S. 179, was indefinitely postponed.

On motion of Mr. Collier, the bill, H. 1061, was indefinitely postponed.

On motion of Mr. Collier, the bill, S. 136, was indefinitely postponed.

RECESS

On motion of Mr. Dominick, the House recessed until three o'clock this afternoon.

AFTERNOON SESSION

The hour of three o'clock P.M., having arrived, the House reconvened.

BILL ON THIRD READING

H. 1069. To provide that in all counties in this State which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such county shall pay the sum of Twelve Hundred Dollars. (\$1200.00) per annum in equal monthly installments out of the general funds of such counties to the person designated by the Sheriffs in such counties as his official attorney; to provide that the Sheriffs in such counties may designate and appoint the attorney to represent him in his official capacity as such Sheriff; to provide that such attorney may be discharged at the will of such Sheriff; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

Was taken up. Mr. Langan offered the following substitute for the bill, H. 1069:

Substitute for H. 1069, by Mr. Langan:

A BILL

To be entitled An Act to further provide for the efficient operation of the office of the sheriff in all counties in this State which now have or which may hereafter have a population of more than 115,000 persons or less than 250,000 persons according to the last or any subsequent Federal census; to authorize the sheriff in all counties in this State which now have or which may hereafter have a population of more than 115,000 persons or less than 250,000 persons, according to the last or any subsequent Federal census, to designate and appoint an official attorney to represent such sheriff in his official capacity as sheriff and to provide for the discharge of such attorney; to provide for the compensation of such attorney; to provide for the employment by the sheriff of an additional deputy sheriff and an additional jail guard in such counties and to provide for the compensation of such additional deputy sheriff and additional jail guard; to provide for the payment of expenses incurred by the sheriff in such counties in transporting prisoners from one point to another; to provide for the employment of emer-

agency deputies in such counties and for the payment of the costs and expenses incurred thereby; to provide for the payment of other expenses incurred by the sheriff including clearing highways of wrecked vehicles or property in such counties; and to provide the effective date of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this state which now have, or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies of such counties by whatever name called, are hereby authorized, empowered and directed to pay or to direct the payment out of the general fund in their respective county treasuries, on the order and at the direction of the Sheriffs of such counties, the sum of Twelve Hundred Dollars (\$1200.00) in equal monthly installments, to the person designated by the Sheriffs in such counties as his official attorney; which said installments of salary shall be paid at the same time and in the same manner as other employees of such counties shall be paid.

Section 2. The Sheriffs in each such county shall be, and he hereby is, authorized and empowered to designate and appoint a lawyer in good standing in his respective county to represent him in his official capacity as sheriff. Any such attorney as so appointed by any such sheriff shall be subject to be discharged at the will of such sheriff.

Section 3. The Sheriff in each such county shall also have the authority to employ the following assistants at the following rate of compensation:

(1) One full-time additional deputy sheriff in lieu of any two part-time deputies sheriff otherwise provided for by law in such counties. Such additional deputy sheriff shall receive \$1500.00 per annum.

(2) One additional jail guard in lieu of any kitchen steward otherwise provided by law in such counties. Such additional jail guard shall receive \$1500.00 per annum. Each of the foregoing assistants shall receive his compensation in equal monthly installments upon warrants drawn in the same manner as is now provided by law for the drawing of warrants for the payment of other county employees in such counties.

Section 4. In all such counties where the sheriff is required to transport a prisoner or person accused of crime from one point in this state to another point within or without this state or from one point outside this state to a point within this state, that said sheriff shall, with the approval of a circuit court judge of any such county,

be authorized to draw his requisition for, and the governing body of any such county is directed to advance to him the necessary monies to defray the reasonable expenses of such transportation including the hire of one or more extra guards if deemed necessary by such sheriff. A strict account of all such expenses incident to any such transportation shall be kept by such sheriff and a report thereof promptly filed with the governing body of such county, supported by vouchers; if a balance of such advance shall remain in his hands, the same shall be paid over into the county treasury of any such county, but if a deficit be shown, the governing body of such county shall promptly issue its warrant on the treasury of such county to said sheriff to reimburse him therefor.

Section 5. In the event it should become necessary for the sheriff of any such county or counties to employ extra deputies in emergencies, such as riot, strike, serious crime, and so forth, or to guard prisoners or persons accused of crime confined to a hospital for treatment, or to secure or guard property levied upon or attached or sequestered under any civil or criminal process, or to remove or transport any such property from one place to another, then all costs or expenses thereof shall be advanced to said sheriff in the same manner as hereinabove provided for, or the same shall be promptly paid for by the governing body of such county or counties upon claim therefor being duly filed by said sheriff with said governing body where such costs or expenses were incurred upon the authority or direction of any Circuit Court Judge, or where such expenses shall have before such presentation been approved by a Circuit Court Judge; such costs or expenses, shall, however, where incurred in any given criminal or civil case, be by said sheriff taxed therein as part of his costs and when paid or collected shall be covered into the treasury of said County as other costs are collected and paid. And if any necessary expenses be incurred by said sheriff arising out of and within the scope of his duties as such officer and not herein specifically provided for, such as might be incurred in the clearing of highways of wrecked vehicles or property, then in such events said sheriff shall be reimbursed therefor, upon proper claim being presented to and filed with said governing body.

Section 6. If any paragraph, portion, part, sentence, provisions, or word of this Act shall be held invalid by any Court of competent jurisdiction, such holding shall not affect any other portion, paragraph, part, sentence, provision or word of this act, and the Legislature hereby declares that the provisions of this Act are severable, and that it would have passed this Act without such invalid portion or portions. Specifically and without limiting the generality of the preceding sentence, the Legislature hereby declares that the

provisions of this act authorizing the sheriff of such counties to designate and appoint an attorney and provide for the compensation thereof, are severable and that it would have passed this act without any other portion or portions, thereof.

Section 7. All laws, general, local or special, in conflict herewith are hereby repealed.

Section 8. This act after its passage, and approval by the Governor, shall go into force and effect on and after December 1st, 1940.

And the substitute offered by Mr. Langan for the bill, H. 1069, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hodo	Quarles
Allen	Delony	Inge	Scott
Austin	Garrett	Langan	Segrest
Bagley	Gewin	Locke	Sessions
Ball	Golson	Mayhall	Smyer
Barchard	Graham	Miller	Snyder
Barnes	Graves	McCord	Spence
Branyon	Green	McDanal	Stallings
Brown (Lee)	Gwin	McGowin	Stone
Carwile	Hall	Nation	Taylor
Castleberry	Hamilton	Newman	Tidmore
Chewning	Hardwick	Owens	Toomer
Christopher	Hare	Payne	Waldrop
Clayton	Henson	Petrey	Wallace
Cobb	Hill (Lauderdale)	Phillips	White
Collier	Hill (Marion)	Pool	Wood
Cook			

—65

And said bill:

H. 1069. To provide that in all counties in this State which now have or which may hereafter have a population of more than 115,000 people and less than 250,000 people according to the last or any subsequent Federal census, the Boards of Revenue, Courts of County Commissioners or like governing bodies in each such county shall pay the sum of Twelve Hundred Dollars (\$1200.00) per annum in equal monthly installments out of the general funds of such counties to the person designated by the Sheriffs in such counties as his official attorney; to provide that the Sheriffs in such counties may designate and appoint the attorney to represent him in his official capacity as such Sheriff; to provide that such attorney may be discharged at the will of such Sheriff; to provide when this act shall go into effect and to repeal all laws in conflict herewith.

As amended by the substitute offered by Mr. Langan, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Hodo	Quarles
Allen	Delony	Inge	Scott
Austin	Garrett	Langan	Segrest
Bagley	Gewin	Locke	Sessions
Ball	Golson	Mayhall	Smyer
Barchard	Graham	Miller	Snyder
Barnes	Graves	McCord	Spence
Branyon	Green	McDanal	Stallings
Brown (Lee)	Gwin	McGowin	Stone
Carwile	Hall	Nation	Taylor
Castleberry	Hamilton	Newman	Tidmore
Chewning	Hardwick	Owens	Toomer
Christopher	Hare	Payne	Waldrop
Clayton	Henson	Petrey	Wallace
Cobb	Hill (Lauderdale)	Phillips	White
Collier	Hill (Marion)	Pool	Wood
Cook			

—65

On motion of Mr. Langan the bill, H. 1069, was ordered sent forthwith to the Senate without engrossment.

RESOLUTION

The following resolution was introduced:

By Mr. White:

H. J. R. 139. WHEREAS, all the continents of the world except the Americas are torn by war; and

WHEREAS, the totalitarian nations of the world, acting at the whim of their ruthless dictators, have almost completely overrun all the democratic nations of the world, except those in the Americas; and

WHEREAS, the might of the military machines of the totalitarian nations have shocked the peoples of all the democratic powers of the world; and

WHEREAS, the continued and ever increasing successes of the military machines of the totalitarian dictators present a most serious threat to all the democratic nations of the world, even those in the Americas; and

WHEREAS, the President of the United States and the Congress of the United States have recently recognized these conditions and are rapidly taking sweeping steps to build up the defenses of the United States and to preserve the peace of the Americas.

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the Legislature of Alabama does whole-heartedly approve of this program of the President of

the United States and the Congress of the United States; and be it further resolved that we urge a continuation of this program and pledge the wholehearted cooperation of the people of the State of Alabama to the President of the United States and the Congress of the United States in all of their efforts to PREPARE THE AMERICAS FOR PEACE; and be it further resolved that copies of this resolution be sent to the President of the United States, its Secretaries of State, War and Navy, and the United States Senators and members of Congress from the State of Alabama.

On motion of Mr. White the rules were suspended and the H. J. R. 139, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following resolution:

H. J. R. 138. Relative to adjournment of the two houses until Thursday morning, June 27, at 10 o'clock.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 976, without my approval.

I suggest the following Executive Amends, which, if adopted, will meet my objection to the bill:

Amend Section 1 of said bill by striking therefrom the following words, which appear together at the end of Section 1, namely:

"and provided further that the foregoing provision shall apply only to estates of persons domiciled in a State granting a similar exemption from death taxation to estates of residents of Alabama."

Further amend said bill by changing the number of Section 2 thereof to Section 4.

Further amend said bill by adding at the end of Section 1 thereof, Section 2 to read as follows:

"Section 2. This Act shall be effective only as to the property of residents of states which may now or hereafter grant to property of residents of Alabama a similar exemption from death taxation. In the event, however, that such reciprocal provision contained in this section of this Act shall hereafter be declared unconstitutional or invalid, either in part or in whole, then Section 1 hereof shall continue in full force

and effect, it being the legislative intent to exempt the property described in Section 1 hereof from death taxation notwithstanding any subsequent invalidation of the reciprocal provision herein contained."

Further amend said bill by adding at the end of Section 2 thereof, Section 3 to read as follows:

"Section 3. If any other provision or part of this Act shall be declared unconstitutional or invalid, such declaration shall not affect the validity of the remainder hereof."

Respectfully,
FRANK M. DIXON,
Governor.

June 25, 1940.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 976, said amendment as proposed by His Excellency, the Governor, being set out in the above and foregoing Message from the Governor, by a vote of:

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Doster	Mathews (Clarke)	Sadler
Austin	Ellis	Matthews (Jackson)	Sanderson
Barchard	Garrett	Mavhall	Segrest
Barnes	Golson	Miller	Sessions
Beck	Graham	McDanal	Sherrer
Brown (Covington)	Gwin	McGowin	Sightler
Brown (Lee)	Hall	Nation	Smyer
Carwile	Hardwick	Neighbors	Spence
Castleberry	Henson	Norman (Bullock)	Stallings
Chewning	Hill (Lauderdale)	Norman (Lowndes)	Stone
Christopher	Hill (Marion)	Owens	Taylor
Collier	Hodo	Payne	Walden
Cook	Inge	Petrey	Waldrop
Davis (Madison)	Kaul	Phillips	Wallace
Dearman	Langan	Quarles	Welch
Delony	Langley	Robertson (Cullman)	Whigham
Dobbs	Locke	Robinson (Lowndes)	Wood
Dominick	Martin	Robinson (St. Clair)	Young

—72

Which was a majority of the whole number elected to the House.

And said bill:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

And said bill as amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Doster	Mathews (Clarke)	Sadler
Austin	Ellis	Matthews (Jackson)	Sanderson
Barchard	Garrett	Mayhall	Segrest
Barnes	Golson	Miller	Sessions
Beck	Graham	McDanal	Sherrer
Brown (Covington)	Gwin	McGowin	Sightler
Brown (Lee)	Hall	Nation	Smyer
Carwile	Hardwick	Neighbors	Spence
Castleberry	Henson	Norman (Bullock)	Stallings
Chewing	Hill (Lauderdale)	Norman (Lowndes)	Stone
Christopher	Hill (Marion)	Owens	Taylor
Collier	Hodo	Payne	Walden
Cook	Inge	Petrey	Waldrop
Davis (Madison)	Kaul	Phillips	Wallace
Dearman	Langan	Quarles	Welch
Delony	Langley	Robertson (Cullman)	Whigham
Dobbs	Locke	Robinson (Lowndes)	Wood
Dominick	Martin	Robinson (St. Clair)	Young

—72

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 392, without my approval.

The enrolled bill, as presented to me, contains Section 19, which reads as follows:

"Section 19. Nothing in this Act shall be construed to relieve any person, firm or corporation from liability for any taxes or penalties which may have heretofore accrued in favor of the State of Alabama."

It appears from the record that the said Section 19, as above quoted, was offered in the Senate as an amendment to said bill and said amendment was tabled by a vote of 27 to 5. Therefore, it clearly appears that the enrolled bill, as presented to me, improperly includes an amendment which was never adopted.

It further appears from the record that, by a vote of 29 Yeas to 1 Nay, Section 19 of said original bill was amended so as to read as follows:

"Section 19. The State Department of Revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act, not in conflict with the specific provisions hereof. Administrative constructions, interpretations, or rulings heretofore made by the State Tax Commission or the State Department of Revenue, and acted upon in good faith, to the effect

that "fuel oil", "crude oil", "diesel oil", "tractor fuel" or "distillate", sold, distributed, stored, or withdrawn from storage, for lighting, heating, or industrial purposes, or for use in the operation of farm tractors or farm machinery upon the farm, and not upon the highways, were not subject to the provisions of the excise tax levied under the provisions of Chapter 4 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935, by reason of the ascertainment or determination by such Commission or Department of the fact that said above mentioned products or fuels were at such time, and in such instances, commonly used for lighting, heating, or industrial purposes, within the meaning of said Act, or were not at such time commonly used in internal combustion engines as a substitute for gasoline within the meaning of said Act, are hereby ratified and confirmed.

Therefore, I suggest the following Executive Amendment, which, if adopted, will make the bill read as it was actually passed by the Legislature, and will meet my objection to said bill:

Amend said bill by striking therefrom Section 19, as same appears in said enrolled bill, and substitute therefor Section 19 to read as follows:

"Section 19. The State Department of Revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act, not in conflict with the specific provisions hereof. Administrative constructions, interpretations, or rulings heretofore made by the State Tax Commission or the State Department of Revenue, and acted upon in good faith, to the effect that "fuel oil", "crude oil", "diesel oil", "tractor fuel" or "distillate", sold, distributed, stored, or withdrawn from storage, for lighting, heating, or industrial purposes, or for use in the operation of farm tractors or farm machinery upon the farm, and not upon the highways, were not subject to the provisions of the excise tax levied under the provisions of Chapter 4 of Article XIII of An Act entitled "An Act to Provide for the General Revenue of the State of Alabama," approved July 10, 1935, by reason of the ascertainment or determination by such Commission or Department of the fact that said above mentioned products or fuels were at such time, and in such instances, commonly used for lighting, heating or industrial purposes, within the meaning of said Act, or were not at such time commonly used in internal combustion engines as a substitute for gasoline within the meaning of said Act, are hereby ratified and confirmed."

Respectfully,
FRANK M. DIXON,
Governor.

June 25, 1940.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 392, said amendment as proposed by His Excellency, the Governor, being set out in the above and foregoing Message from the Governor by a vote of:

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Matthews (Jackson)	Segrest
Austin	Golson	Mayhall	Sessions
Bagley	Green	Miller	Sherrer
Barnes	Gwin	McDanal	Sightler
Beck	Hall	McGowin	Snyder
Boswell	Hamilton	Nation	Spence
Brown (Covington)	Hare	Neighbors	Stallings
Brown (Lee)	Henson	Newman	Stone
Carwile	Hill (Lauderdale)	Norman (Bullock)	Taylor
Castleberry	Hill (Marion)	Owens	Tidmore
Chewning	Hodo	Payne	Walden
Christopher	Inge	Petrey	Wallace
Collier	Kaul	Phillips	Waller
Cook	Langan	Pool	Welch
Davis (Madison)	Langley	Quarles	Whigham
Dearman	Locke	Robertson (Cullman)	White
Delony	Lovell	Robinson (Lowndes)	Wood
Dominick	Martin	Sadler	Young
Doster	Mathews (Clarke)	Sanderson	

—75

Which was a majority of the whole number selected to the House.

And said bill:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highway; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to generally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

And said bill, H. 392, as amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Brown (Covington)	Collier	Doster
Austin	Brown (Lee)	Cook	Ellis
Bagley	Carwile	Davis (Madison)	Golson
Barnes	Castleberry	Dearman	Green
Beck	Chewning	Delony	Gwin
Boswell	Christopher	Dominick	Hall

Hamilton	Mathews (Clarke)	Phillips	Stallings
Hare	Matthews (Jackson)	Pool	Stone
Henson	Mayhall	Quarles	Taylor
Hill (Lauderdale)	Miller	Robertson (Cullman)	Tidmore
Hill (Marion)	McDanal	Robinson (Lowndes)	Walden
Hodo	McGowin	Sadler	Wallace
Inge	Nation	Sanderson	Waller
Kaul	Neighbors	Segrest	Welch
Langan	Newman	Sessions	Whigham
Langley	Norman (Bullock)	Sherrer	White
Locke	Owens	Sightler	Wood
Lovelace	Payne	Snyder	Young
Martin	Petrey	Spence	

—75

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

The House received a Message from His Excellency, the Governor, containing his veto of H. 957.

On motion of Mr. Castleberry the further consideration of the veto of the Governor of H. 957, was postponed until the fiftieth legislative day.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 768 without his approval.

Respectfully submitted,
ROLAND MUSHAT,
Secretary to the Governor

June 25, 1940.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 768 without my approval.

This is a general bill with local application, applying only to Jefferson County.

It provides, in substance, that all of the forfeitures, fines and costs paid by persons convicted of violation of the State Highway Commission's rules and regulations and of the Alabama Highway Code, where the persons thus convicted have been arrested by the sheriff or his deputies, or other county or municipal law enforcement officer, shall be paid into the general funds of such counties.

The effect of this is to give to Jefferson County an advantage not enjoyed by the other sixty-six counties. At the present all of these collections in all sixty-seven counties are paid to the Highway Patrol Fund. If the

precedent of diverting them from the Highway Patrol Fund to individual counties is established and followed, the Alabama Highway Patrol may soon find itself lacking in funds needed for its efficient operation.

Respectfully,

FRANK M. DIXON,

Governor.

June 25, 1940.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor, containing his veto of House bill 768. And the House refused to again pass said bill, H. 768, the veto of the Governor to the contrary notwithstanding.

Yeas, 0; Nays, 65.

Nays:

Mr. Speaker	Doster	Mayhall	Sessions
Bagley	Ellis	Miller	Sherrer
Barchard	Gewin	McDana1	Sightler
Barnes	Golson	McGowin	Spence
Beck	Hall	Nation	Stallings
Boswell	Hamilton	Neighbors	Stone
Brown (Covington)	Hardwick	Newman	Taylor
Brown (Lee)	Hare	Norman (Bullock)	Tidmore
Carwile	Hill (Lauderdale)	Norman (Lowndes)	Walden
Castleberry	Hill (Marion)	Owens	Waldrop
Collier	Kaul	Payne	Wallace
Cook	Langan	Petrey	Waller
Davis (Madison)	Langley	Pool	Welch
Dearman	Martin	Robertson (Cullman)	Whigham
Delony	Mathews (Clarke)	Robinson (Lowndes)	White
Dobbs	Matthews (Jackson)	Sadler	Young
Dominick			

—65

MESSAGE FROM THE GOVERNOR

To the House of Representatives,

Montgomery, Alabama.

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 428 without his approval.

Respectfully submitted,

ROLAND MUSHAT,

Secretary to the Governor.

June 25, 1940

To the House of Representatives,

Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 428 without my approval.

This bill violates that part of Section 45 of the Constitution, which reads as follows:

"* * * no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length."

Respectfully,
FRANK M. DIXON,
Governor.

June 25, 1940.

GOVERNOR'S MESSAGE

The House proceed to the consideration of the Message from His Excellency, the Governor, containing his veto of House bill 428. And the House refused to again pass said bill, H. 428, the veto of the Governor to the contrary notwithstanding,

Yeas, 0; Nays, 68.

Nays:

Mr. Speaker	Gewin	Miller	Sadler
Austin	Graham	McDanal	Sanderson
Bagley	Green	McGowin	Segrest
Barnes	Hall	Nation	Sessions
Boswell	Hamilton	Neighbors	Sightler
Brown (Covington)	Hardwick	Newman	Spence
Carwile	Henson	Norman (Bullock)	Stallings
Chewning	Hill (Lauderdale)	Norman (Lowndes)	Stone
Christopher	Hill (Marion)	Owens	Taylor
Collier	Inge	Payne	Tidmore
Cook	Kaul	Petrey	Walden
Davis (Madison)	Langan	Phillips	Wallace
Dearman	Langley	Pool	Waller
Delony	Martin	Quarles	Welch
Dominick	Mathews (Clarke)	Robertson (Cullman)	Whigham
Doster	Matthews (Jackson)	Robinson (Lowndes)	White
Ellis	Mayhall	Robinson (St. Clair)	Young

—68

BILLS ON THIRD READING

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the

provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act; to provide for the punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was taken up. Mr. Dominick offered the following substitute for the bill, H. 792, as amended.

Substitute for H. 792, by Mr. Dominick:

A BILL.

To be entitled An Act defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State; and of such brokers, and of their rates, fares and charges, services, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts, conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and orders thereunder; to provide funds for the administration of this Act and to provide punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

That in addition to any authority, powers and jurisdiction under the laws of this State now or hereafter conferred upon or exercised

by the Alabama Public Service Commission there is hereby conferred upon and vested in said Commission all the authority, power and jurisdiction hereinafter particularly set forth:

SECTION ONE. The following words and phrases used in this act, where not in conflict with the context shall be construed as follows:

A. The term "commission" shall be construed to mean the Alabama Public Service Commission.

B. The term "Commissioner" shall mean one of the members of such commission.

C. The term "motor vehicle" means any vehicle, machine, tractor, trailer or semi-trailer, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property but does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

D. The term "highway" means every public highway, or place of whatever nature, open to the use of the public for purposes of vehicle travel in this State, including the public highways, roads, streets and alleys in towns and cities.

E. The term "person" means any individual, firm, co-partnership, corporation, company, association or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

F. The term "common carrier by motor vehicle" means any person who or which undertakes, whether directly or by a lease or other arrangement, to transport passengers or property, or any class or classes of property for the general public in the State of Alabama by motor vehicle for compensation, whether over regular or irregular routes, or whether between fixed termini or not, including such other motor vehicle operations of carriers by rail or water and/or express and forwarding companies under this Act.

G. The term "contract carrier by motor vehicle" means any person not included under paragraph F of this Section, who or which under a Special or individual contract or agreement, under special or individual contracts or special or individual agreements, and whether directly or by lease or any other arrangement transports passengers or property by motor vehicle for compensation in this State.

H. The term "Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle.

I. The term "broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who are which, as principal or agent, sells or offers for sale any transportation of property other than that transported by common carriers of passengers, subject to this Act, or

negotiates for or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

J. The "service" and "transportation" (except as to Section 13 hereof), to which this act applies includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied.

K. The term "certificate" means a certificate of public convenience and necessity issued under this Act to common carriers by motor vehicle.

L. The term "permit" means a permit issued under this Act to contract carriers by motor vehicle.

M. The term "license" means a license issued under this Act to a broker.

SECTION TWO. This Act shall not be construed to apply to:

A. (1) School busses or other motor vehicles which are owned by county boards of education or under contract with county boards of education, regardless of whether or not such school busses and other motor vehicles are being used exclusively for the transportation of school children and school teachers to and from school, and provided such school busses and other motor vehicles do not take on passengers for fare on a certificated route.

(2) Motor vehicles for hire while operating wholly within the limits of a city or incorporated town or within the police jurisdiction thereof; or between two or more incorporated towns or cities whose city limits join or are contiguous or whose police jurisdictions join or are contiguous.

(3) Motor vehicles while used in the intrastate transportation of property when the person furnishing the transportation is legally and regularly engaged in the business of selling such property; also motor vehicles if engaged in hauling milk, livestock, coal, logs, lumber, poles, pulpwood, cotton in bales or cotton seed, for a distance not exceeding 75 miles or fertilizer when being hauled directly to a farm, for a distance not exceeding 150 miles; or trucks hauling road materials and paid by the State of Alabama, for a distance not exceeding 25 miles, and motor vehicles used exclusively in the transportation of milk in thermol or artificially cooled bodies or containers for a distance not exceeding one hundred fifty miles; except that this subsection shall not be construed to exempt from the provisions of this Act any motor carrier who operates under a certificate or permit granted under the authority of the Alabama Public Service Commission.

B. Motor vehicles owned or operated within the limits of a city or incorporated town or within the police jurisdiction thereof, by or on behalf of hotels and used exclusively for the transportation of

hotel patrons between hotels and local railroad or other common carrier stations.

C. Motor vehicles owned and operated by the United States, this state, or any county, municipality or other political subdivision of this state.

D. Motor vehicles controlled and operated by any farmer while used in the transportation of agricultural commodities and products thereof whether for himself or another farmer, or in the transportation of supplies to or from the farm.

E. Motor vehicles controlled and operated by a bona fide cooperative association as defined by the General Agricultural Marketing Act, approved June 15, 1929, as amended, or organized or existing under any state cooperative marketing act, while used exclusively in the conduct of the business of such Association.

F. Motor vehicles while used exclusively in the transportation of newspapers.

G. Motor vehicles owned by a farmer used occasionally in transporting household goods and furniture.

SECTION THREE. No motor carrier as defined herein, not herein exempt, shall operate any motor vehicle for the transportation of passengers or property for compensation on any highway in the State except in accordance with the provisions of this Act, and every such carrier is hereby declared subject to control, supervision and regulation by the Commission. Nothing in this Act shall confer any proprietary or property rights in the use of the public highways.

SECTION FOUR. This act, and every part thereof shall apply to and be construed to apply to interstate commerce, except insofar as the same may be in conflict with the provisions of the Constitution of the United States and the Acts of Congress now in force or hereafter enacted.

SECTION FIVE. General duties and powers of the Commission.

It shall be the duty of the Commission:

1. To regulate common carriers by motor vehicle as provided in this Act and to that end the Commission may establish reasonable rules and requirements with respect to adequate service, transportation of passengers, baggage, freight and express, uniform systems of accounts, records and reports, preservation of records, qualifications and maximum hours of service of employees and safety of operation and equipment.

2. To regulate contract carriers by motor vehicle as provided in this Act, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records and reports, preservation of records, qualifications and

maximum hours of service of employees, and safety of operation and equipment.

3. To regulate brokers as provided in this Act and to that end the Commission may establish reasonable requirements with respect to the licensing, financial responsibility, accounts, records, reports, operations and practices of any such person or persons.

4. To supervise and regulate common carriers in all matters affecting the relationship between such common carriers and the traveling and shipping public.

5. To administer, execute, and enforce all provisions of this Act and to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration; and

6. To inquire into the organization of motor carriers and brokers and into the management of their business, to keep itself informed as to the manner and method in which the same is conducted and to transmit to the Legislature, from time to time such recommendations as to additional legislation relating to such carriers or brokers as the Commission may deem necessary.

7. The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers, included in the term "common Carrier by motor vehicle", or "contract carrier by motor vehicle", as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations and requirements, consistent with the provisions of this Act, to be observed by the carriers or brokers so classified or grouped as the Commission deems necessary or desirable in the public interest.

8. Upon complaint in writing to the Commission, by any person, State Board, organization or body politic, or upon its own initiative without complaint, the Commission may investigate whether any motor carrier or broker has failed to comply with any provision of this Act, or with any requirement established pursuant thereto. If the Commission, after notice and hearing, finds upon any such investigation that the motor carrier or broker has failed to comply with any such provision or requirement, the Commission shall issue an appropriate order to compel the carrier or broker to comply therewith.

9. After a decision, order or requirement has been made by the Commission in any proceeding under this Act, any party thereto may make application to the Commission for reconsideration or rehearing of the same, or of any matter determined herein, and it shall be lawful for the Commission in its discretion to grant such reconsideration or a rehearing, if sufficient reason therefor be made to appear. Such application shall be filed within thirty days after date of such decision, order or requirement provided the Commis-

sion may by order extend such time for not more than thirty days additional. Applications for reconsideration or rehearing shall be governed by such general rules as the Commission may prescribe. No such application shall excuse any motor carrier or broker from complying with or obeying any decision or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. If, after such reconsideration or rehearing, it shall appear that the original decision, order, or requirement is in any respect unjust, or unreasonable, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such reconsideration or rehearing shall be subject to the same provisions as an original decision, order or requirement, provided, however, it shall not be subject to any further application for reconsideration or rehearing by the Commission.

Section Six. No member of the Commission, nor any employee of the Commission appointed or employed in the administration of this Act shall in any manner have pecuniary interest in, own any securities of, or hold any position with any motor carrier or broker subject to this Act.

SECTION SEVEN—ADMINISTRATION. Except as otherwise provided, any matter arising in the administration of this Act, requiring a hearing shall be heard and decided by the Commission or shall by written order of the Commission be referred to a member or examiner of the Commission for hearing and the recommendation of an appropriate order thereon. With respect to such matter, the member or examiner shall have all the rights, duties, powers and jurisdiction conferred by this Act upon the Commission, except that the order recommended by such member or examiner shall be subject to the following provisions of this paragraph. Any order recommended by the member or examiner with respect to such matter shall be in writing and be accompanied by the reasons therefor, and shall be filed with the Commission. Copies of such recommended order shall be served upon the parties in interest, who have appeared in the proceeding, who may file exceptions thereto, but if no exceptions are filed within twenty days after service upon such parties, or within such further period as the Commission may authorize, such recommended order shall become the order of the Commission and become effective, unless within such period the order is stayed or postponed by the Commission. Where exceptions are filed as herein provided, it shall be the duty of the Commission to consider the same, and if sufficient reason appears therefor, the Commission shall grant such review or make such order or hold or authorize such further hearing or proceedings in the premises as may be necessary or proper to carry out the purpose of

this Act, or the Commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been filed. The Commission, after review upon the same record or as supplemented by a further hearing shall decide the matter and make appropriate order thereon.

Where practicable and as the Commission may by rule or notice direct, hearings by the Commission, any member, or examiner upon any matter shall be held at such places within the State of Alabama as are convenient to the parties.

SECTION EIGHT. A. Except as otherwise provided in this section no common carrier by motor vehicle subject to the provisions of this Act shall engage in intrastate commerce on any highway in this State unless there is in force with respect to such carrier a certificate of public convenience and necessity issued by the Commission pursuant to the provisions of this Act, authorizing such operation; provided, however, that subject to Section 12, if any such carrier of property, except common carriers of passengers by motor vehicle, or predecessor in interest was in bona fide operation as such common carrier of property by motor vehicle prior to the effective date of this Act, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bonafide operation prior to the effective date of this Act, during the season ordinarily covered by its operation, except in either instance as to interruptions in service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in Paragraph B of this Section, and within 120 days after this Section shall take effect. Otherwise, the application for such certificate shall be decided in accordance with the procedure provided in Section 9 of this Act, and such certificate shall be issued or denied accordingly. Pending the determination of any such application the continuance of such operation shall be lawful; provided however that no common carrier of passengers now holding certificate of public convenience and necessity issued to it by the Commission shall be required to apply for a certificate under this Act, but the certificate now held and effective, shall be effective as if issued under this Act, but this shall not be construed or held to relieve the holder of such certificate from complying with all other provisions of this Act and any and all laws now or hereafter in effect.

B. Application for certificates shall be made in writing to the Commission, be verified under oath and shall be in such form and

contain such information and be accompanied by proof of service of notice thereof upon such interested parties as the Commission shall, by regulation require; provided, however, that the Commission shall give notice of the filing of any such application upon the State Highway Department and, in the case of an application for a certificate to transport passengers, upon each common carrier of passengers then operating, or proposing to operate by application pending before the Commission, in the territory proposed to be served; and, in the case of an application for a certificate to transport freight, upon each common carrier of freight then operating, or proposing to operate by application pending before the Commission in the territory proposed to be served.

Any person not included in the provisions of Paragraph A of this section, who or which is engaged in transportation in intrastate commerce as a common carrier by motor vehicle when this section takes effect may continue such operation for a period of 120 days thereafter without a certificate, and if application for such certificate is made to the Commission within such period, the carrier may, under such regulations as the Commission shall prescribe, continue such operation until otherwise ordered by the Commission.

SECTION NINE. A. Subject to the provisions of Section Twelve, and to the provisions of paragraph B of this section, a certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found, after public hearing of the application, that the applicant is fit, willing, and able to properly perform the service proposed and to conform with the provisions of this Act and requirements, rules and regulations of the Commission thereunder, and that the proposed service, to the extent to be authorized by the certificate is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied; provided, however, that no such certificate shall be issued to any common carrier of passengers by motor vehicle for operations over other than a regular route or routes, and between fixed termini, except as such carriers may be authorized to engage in special or charter operations.

B. Before granting a certificate to a common carrier by motor vehicle the Commission shall, among other things, consider the following:

(1) Whether existing transportation service of all kinds is adequate to meet the reasonable public needs.

(2) Financial ability of the applicant to furnish adequate, continuous and uninterrupted service the year around.

(3) The advantages to the public of the proposed service.

C. No certificate issued under this section shall confer any proprietary or property rights in the use of the public highways.

SECTION TEN. A: Any certificate issued under Section Eight and Section Nine shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which the motor carrier is authorized to operate; and there shall at the time of issuance and from time to time thereafter, be attached to the exercise of the privilege granted by the certificate such reasonable terms, condition and limitations as the public convenience and necessity may from time to time require, including terms, conditions and limitations as to the extension of the route or routes of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the Commission under this Act, provided, however that the carrier may add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require, subject to such reasonable regulations as the Commission may prescribe.

B. A common carrier by motor vehicle operating under any such certificate may occasionally deviate from the route over which and/or the fixed termini between which, it is authorized to operate under the certificate, under such general rules and regulations as the Commission may prescribe.

C. Any common carrier by motor vehicle transporting passengers under a certificate issued or effective under this act may transport to any place, a special or chartered party or parties, under such rules and regulations as the Commission prescribes; and every common carrier by motor vehicle transporting passengers not holding a certificate of public convenience and necessity, issued under this Act, but holding a certificate of public convenience and necessity from the Interstate Commerce Commission issued pursuant to Motor Carrier Act 1935, 49 U.S.C.A., Sec. 302 e.s., as now or hereafter amended, may transport on the highways of this State special or chartered parties under such rules and regulations as the Commission shall prescribe, provided, however, that no such carrier shall be permitted to make more than two trips during a period of one month, and provided further that before any such trip is permitted the carrier shall present to the Commission proper evidence of public liability and property damage insurance covering the vehicle or vehicles to be used in making such trip and shall pay to the State of Alabama the mileage tax prescribed by law and shall furnish the Commission with such other information as the Commission by general or special rule or regulation may reasonably require.

D. A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express or mail, or to transport baggage of passengers in a separate vehicle.

E. No common carrier by motor vehicle authorized under the provisions of this Act to operate within the State of Alabama shall abandon or discontinue, either temporarily (except in cases of emergency) or permanently, any service established under the provisions of this Act without an order of the Commission that the public convenience and necessity permit such abandonment or discontinuance, which said order shall be granted by the Commission early after hearing, should the Commission deem a hearing necessary.

SECTION ELEVEN. Permit for contract carriers by motor vehicle.

A. Except as otherwise provided in this section, no person shall engage in the business of a contract carrier by motor vehicle in intrastate commerce on any highway of this State unless there is in force with respect to such carrier a permit issued by the Commission, authorizing such person to engage in such business; provided, that subject to Section 12, if any such carrier of property, except contract carriers of passengers by motor vehicle, or a predecessor in interest was in bona fide operation as such a contract carrier of property by motor vehicle prior to the effective date of this Act, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bona fide operation prior to the effective date of this Act during the season ordinarily covered by its operations, except in either instance as to interruptions of service over which the applicant or its predecessor in interest has no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in Paragraph B of this Section and within 120 days after this section shall take effect, otherwise the application for such permit shall be decided in accordance with the procedure provided for in Paragraph B of this Section, and such permit shall be issued or denied accordingly. Pending determination of any such application under this paragraph A, the continuance of such operation shall be lawful.

Any person not included within the foregoing provisions of this Section, who or which is engaged in intrastate transportation as a contract carrier by motor vehicle, when this section takes effect, may continue such operation for a period of 120 days thereafter without a permit, and, if application for such permit is made within such period the carrier may, under such regulations as the Com-

mission shall prescribe, continue such operations until otherwise ordered by the Commission.

B. Application for such permits shall be made to the Commission in writing, be verified under oath and shall be in such form and contain such information as the Commission may, by regulation require. Such application for permit shall be accompanied by such proof of service of notice of said application and the filing thereof with the Commission as the Commission shall by regulation require. Notice of such application by every contract carrier of passengers shall be served upon every contract carrier of passengers, and such notice of application by contract carriers of property shall be served on every such carrier of property, then operating in the territory proposed to be served by the applicant and upon every other applicant then having an application pending before the Commission for a permit to operate in the territory proposed to be served by the applicant and upon the State Highway Commission. Subject to Section Twelve, a permit shall be issued to any qualified applicant therefor, authorizing in whole or in part the operations covered by the application, if, after public hearing of the application, it appears from the application and the evidence in support thereof or from any hearing held thereon that the applicant is fit, willing and able to properly perform the service of a contract carrier by motor vehicle and to conform to the provisions of this Act and the lawful requirements, rules and regulations of the Commission thereunder, and that the proposed operation, to the extent authorized by the permit will be consistent with the public interest, otherwise such application shall be denied. The Commission shall specify on the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter such reasonable rules, terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the Commission under this Act; provided, however, that subject to such reasonable regulations as the Commission may prescribe, the carrier may substitute or add contracts within the scope of his permit, or add to his or its equipment and facilities, within the scope of the permit, as the development of the business and the demands of the public may require.

C. Contrast carriers of property shall not transport on any one motor vehicle over any highway in this State, outside of the corporate limits of any city, town or municipality, property of more than two consignors at the same time, and for the purposes of this section the word "consignors" means the bona fide owner of the property transported at the time of shipment, who has made the contract for shipment with the carrier.

SECTION TWELVE—DUAL OPERATION. No person after the effective date of this Act shall at the same time hold under this Act a certificate as a common carrier and a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory, unless for good cause shown, the Commission shall find that such certificate and permit may be held consistently with the public interest.

SECTION THIRTEEN—BROKERAGE LICENSES. A. No person shall for compensation sell or offer for sale transportation subject to this act or shall make any contract, agreement or arrangement to provide, procure, furnish or arrange for such transportation or shall hold himself or itself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's license issued by the Commission to engage in such transactions; provided however that no such person shall engage in transportation subject to this Act unless he holds a certificate or permit as provided in this Act. In the execution of any contract agreement or arrangement to sell, provide, procure, furnish or arrange for such transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who or which is not the lawful holder of an effective certificate or permit issued as provided in this Act; and provided further that the provisions of this paragraph shall not apply to any carrier holding a certificate or a permit under the provisions of this Act or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits, or with a common carrier by railroad, express or water.

B. A brokerage license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found, after public hearing of the application, that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this act and the requirements, rules and regulations of the Commission thereunder, and the proposed service, to the extent authorized by the license, is or will be consistent with the public interest and the provisions of this Act; otherwise such application shall be denied. Any broker in operation when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a license, and if application for such license is made within such period, the broker may, under such regulations as the Commission shall prescribe, continue such operations until otherwise ordered by the Commission.

C. The Commission shall prescribe reasonable rules and regulations for the protection of travellers or shippers and receivers of

property by motor vehicle, operated by motor carriers subject to this Act, to be observed by any person holding a brokerage license, and no such license shall be issued or remain in force unless such person shall have furnished a bond or other security approved by the Commission, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements or arrangements therefor.

D. The Commission and its special agents and examiners shall have the same authority as to accounts, reports and records, including inspection and preservation thereof, of any person holding a brokerage license issued under the provisions of this section, that they have under this act with respect to motor carriers subject thereto.

E. It is specifically provided, however, that the word "transportation" as used in this section (13) means the transportation of property by carriers other than common carriers of passengers.

SECTION FOURTEEN. SUSPENSION, CHANGES, REVOCATION AND TRANSFER OF CERTIFICATES, PERMITS AND LICENSE.

A. Certificates, permits and licenses shall be effective from the date specified therein, and shall remain in effect until terminated as herein provided. Any such certificate, permit or license may, upon application of the holder thereof, in the discretion of the Commission be amended or revoked, in whole or in part or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed or revoked, in whole or in part, for wilful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition or limitation of such certificate, permit, or license; provided, however, that no such certificate, permit or license shall be revoked (except upon application of the holder) unless the holder thereof wilfully fails to comply within a reasonable time, not less than thirty days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in this Act, commanding obedience to the provisions of this Act, or to the rules or regulations of the Commission thereunder, or to the term, condition or limitation of such certificate, permit, or license, found by the Commission to have been violated by such holder.

SECTION FIFTEEN. Subject to the provisions of Section 12, any certificate or permit may be transferred or leased pursuant to such rules and regulations as the Commission may prescribe, provided, however, that no such certificate or permit shall be transferred, or lease of any such certificate or permit approved, except after a finding by the Commission that the proposed transferee or lessee is in all respects qualified under the provisions of this Act to con-

duct the service or operation contemplated by such certificate or permit and that the proposed transfer or the approval of said lease is consistent with the public interest.

SECTION SIXTEEN.—SECURITY FOR THE PROTECTION OF THE PUBLIC. A. No certificate or permit shall be issued to a motor carrier or remain in force, and no motor carrier subject to the provisions of this Act shall engage in any operation on any highway of this State, unless such carrier complies with such reasonable rules and regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amounts as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles under certificate or permit, or for loss or damage to property of others. The Commission shall under such rules and regulations as it shall prescribe, require any such common carrier of property other than common carriers or passengers, to file a surety bond, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in the sum to be determined by the Commission, to be conditioned upon such carrier making compensation to shippers and/or consignees for all property belonging to shippers and/or consignees, and coming into the possession of such carrier in connection with its transportation service. Such bond to be not less than \$1,000.00. Any carrier which may be required by law to compensate a shipper and/or consignee for any loss, damage, or default for which a connecting motor carrier is legally responsible shall be subrogated to the rights of such shipper and/or consignee under such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

BOND—BOND FOR C. O. D.—B. In addition to all other bonds, all common carriers by motor vehicle, other than carriers of passengers, under this Act, must file with the Commission for the protection of the consignor and/or consignee a bond known as a Collect on Delivery Bond in the sum of one thousand (\$1,000.00) dollars, such bond to be made by a surety company qualified to do business in this state.

SECTION SEVENTEEN. Rates, fares and charges of Common Carriers by Motor Vehicle.

A. It shall be the duty of every common carrier of passengers by motor vehicle to establish and provide safe and adequate service, equipment and facilities for the intrastate transportation of passengers in the State of Alabama; to establish, observe, and

enforce just and reasonable individual and joint rates, fares and charges and just and reasonable regulations and practices relating thereto, and to the issuance, form and substance of tickets and the carrying of personal sample and excess baggage, the facilities for the transportation, and all other matters relating to or connected with the intrastate transportation of passengers in the State of Alabama; and in case of such joint rates, fares and charges, to establish just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any such participating carriers.

B. It shall be the duty of every common carrier of property by motor vehicle to provide safe and adequate service, equipment and facilities for the intrastate transportation of property in the State of Alabama; to establish, observe and enforce just and reasonable rates, charges and classifications, and just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation and all other matters relating to or connected with the intrastate transportation of property in the State of Alabama.

C. Common carriers of property by motor vehicle may establish reasonable through routes and joint rates, charges and classifications and other such carriers or with common carriers by railroad and/or express and/or water; and common carriers of passengers by motor vehicle may establish joint rates and fares or charges with common carriers by railroad and/or water. In case of such joint rates, fares or charges, it shall be the duty of the carrier parties thereto to establish just and reasonable regulations and practices in connection therewith and just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of said participating carriers.

D. Any person, state board, organization or body politic may make complaint in writing to the Commission that any such rate, fare, charge, classification, rule, regulation or practice in effect or proposed to be put into effect, is or will be in violation of this section or of Section 18. Whenever, after hearing, upon complaint, or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged or delivered by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by railroad and/or express, and/or water for transportation in intrastate commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare or charge

or the value of the service thereunder, is or will be unjust or unreasonable or unjustly discriminatory, or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare or charge or the maximum or minimum, or maxima or minima rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective and the Commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing upon complaint or upon its own initiative, without a complaint, establish joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers by common carrier by motor vehicle, or the maximum or minimum, or maxima or minima, to be charged and the terms and conditions under which such shall be operated.

E. Whenever, after hearing, upon complaint or upon its own initiative the Commission is of the opinion that the divisions of joint rates, fares or charges applicable to the transportation in intrastate commerce in this State of passengers or property by common carriers by motor vehicle or by such carriers in conjunction with common carriers by railroad and/or express, and/or water are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, (whether agreed upon by such carriers, or any of them, or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable division thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order by the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. The order of the Commission may require the adjustment of divisions between carriers, in accordance with the order, from the date of filing the complaint or entry or order of investigation or such other date subsequent, as the Commission finds justified and, in case of joint rates prescribed by the Commission, the order as to divisions may be made effective as a part of the original order.

F. Whenever there shall be filed with the Commission any schedule stating a new, individual or joint rate, fare, charge or classification for the transportation of passengers or property by a common carrier or carriers by motor vehicle, or by any such carrier and carriers by railroad and/or express and/or water in intrastate commerce, or any rule, regulation or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission is hereby authorized and empowered upon complaint of any interested party or upon its own initiative at once, and if it so orders,

without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge or such rule, regulation or practice, and pending such hearing and the decision thereon, the Commission by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, or charge, or such rule, regulation, or practice, for a period of ninety days and if the proceedings have not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it has become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, or charge, or classification, rule, regulation, or practice, shall go into effect at the end of such period; At any hearing involving a rate, fare, charge or classification, increased or sought to be increased, or involving a rule, regulation, or practice, after the date of the approval of this act, the burden of proof shall be upon the carrier to show that the increased rate, fare, charge, or classification, or the rule, regulation, or practice, is just and reasonable; or the proposed increased rate, fare, charge or classification or the rule, regulation or practice is just and reasonable.

G. In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers by motor vehicle the Commission shall give due consideration, among other things, to the effect of rates upon the movement of traffic by such carriers to the need, in public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and the need of revenue sufficient to enable such carriers, under honest, economical and efficient management to provide such service.

H. Nothing in this section shall be held to extinguish any remedy or right of action not inconsistent herewith.

SECTION EIGHTEEN. TARIFFS OF COMMON CARRIERS BY MOTOR VEHICLE.

A. Every common carrier by motor vehicle shall file with the Commission, and keep open to the public inspection tariffs showing all the rates, fares and charges for transportation and all services

in connection therewith of passengers or property in intrastate commerce in the State of Alabama between points on its own route and between points on its own route and points on the route of any other such carrier, or on the route of any common carrier by railroad and/or express, and/or water, when a through route and route and joint rate shall have been established. Such rates, fares and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed and posted in such form and manner and shall contain such information as the Commission by reasonable regulation shall prescribe; and the Commission is authorized to reject any tariff filed with it which is not in consonance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

B. Except as otherwise provided by law, no common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares or charges so specified, or extend to any person any privileges or facilities for transportation in intrastate commerce in this state, except such as are specified in its tariffs.

B-1. No common carrier, subject to the provisions of this Act shall directly or indirectly issue or give an intrastate free ticket, free pass or free transportation for passengers except to its officers, employees and agents and their families, its surgeons, physicians and attorney's at law; to ministers of religion, inmates of charitable and eleemosynary institutions; to persons totally blind, to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and caretakers of and caretakers of livestock, poultry, milk and fruit; to witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons; to members of the Commission and such of their employees as may be designated by them to assist the Commission in their duties under this Act, and the members of the Commission and such of their employees as are designated by them to assist the Commission in the performance of their duties under the Act, shall be entitled to free transportation within the state upon any motor vehicle of any common carrier subject to the provisions of this Act; provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents

and employees of common carriers of passengers by motor vehicle, and their families; nor prohibit any common carrier from carrying passengers or property free or at reduced rates with the object of providing relief in case of general epidemic, pestilence, or other calamitous visitation; and provided further that nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, county or municipal governments, or for charitable purposes, or to or from fairs, and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; provided however, such mileage, excursion or commutation tickets shall be obtainable by all persons applying therefor under like circumstances and conditions; and provided further, that if special or reduced rates are granted under the provisions of this Act, said companies shall file with the Commission a statement setting forth the terms and conditions upon which they grant such special or reduced rates. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the State of Alabama a penalty of not less than one hundred dollars or more than two thousand dollars, and any person other than the person excepted in this provision, who uses any such intrastate free ticket, free pass, or free transportation shall be subject to a like penalty.

C. No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, except after thirty days' notice of the proposed change filed and posted in accordance with Paragraph A of this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may in its discretion and for good cause shown allow such change upon notice less than herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

D. No common carrier by motor vehicle, unless otherwise provided by this Act, shall engage in the transportation of passengers or property unless the rates, fares and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act.

SECTION NINETEEN. SCHEDULES OF CONTRACT CARRIERS BY MOTOR VEHICLES.

A. It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish and keep open for public inspection, in the form and manner prescribed by the Commission, schedules, or in the discretion of the Commission, copies of con-

tracts containing the minimum charges of such carrier for the transportation of passengers or property in intrastate commerce in this state and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this act, shall engage in the transportation of passengers or property in intrastate commerce in this State unless the minimum charges for such transportation by said carrier have been published, filed and posted in accordance with the provisions of this Act. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation or practice affecting such charge or the value of service thereunder, except after twenty days' notice of the proposed change filed in the aforesaid form and manner; but the Commission may in its discretion and for good cause shown allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules or copies of contracts either in particular instances, or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the change proposed to be made and time when such change will take effect. No such carrier shall demand, charge, or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation or practice so filed or as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept or receive less than the minimum charges so filed or prescribed; provided however that any such carrier or carriers, or any class or group thereof, may apply to the Commission for relief from the provisions of this paragraph, and the Commission may after hearing grant such relief to such an extent and for such time and in such manner as in its judgment is consistent with public interest and the provisions of this Act.

B. Whenever, after hearing upon complaint or its own initiative the Commission find that any charge of any contract carrier by motor vehicle, or any rule, regulation or practice of any such carrier or carriers affecting such charge, or the value of the service thereunder, for the transportation of passengers or property in intrastate commerce in this state, is not consistent with the public interest the Commission may prescribe such minimum charge, or such rule, regulation or practice as in its judgment may be necessary or desirable in the public interest. Such minimum charge, or such rule, regulation or practice, so prescribed by the Commission shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this act, which the Commission may find to be undue or inconsistent with public interest, and the Commission shall give due consideration to the cost

of the service rendered by such carriers and to the effect of such minimum charge, or such rules, regulations, or practices, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

C. Whenever there shall be filed with the Commission by any such contract carrier any schedule or contract stating a reduced charge directly or by means of any rule, regulation or practice for the transportation of passengers or property in intrastate commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once, and, if it so orders, without answers or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge or such rule, regulation or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule or contract and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule or contract and defer the use of such charge, or such rule, regulation, or practice, for a period of ninety days, and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time extend the period of such suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge, rule, regulation, or practice shall go into effect at the end of such period.

SECTION TWENTY—ACCOUNTS, RECORDS AND REPORTS.

A. The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, to prescribe the manner and form in which such reports shall be made, and to require from such carrier specific answers to all questions upon which the Commission may deem information to be necessary. Such reports shall be under oath whenever the Commission so requires. The Commission may also require any motor vehicle carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Act, to which he or it may be a party.

B. The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. The Commission or its duly authorized agents shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with intrastate operations and also all accounts, records, and memoranda, including all documents, papers and correspondence now or hereafter existing and kept, or required to be kept, by motor carriers. The Agents of the Commission shall have authority under its order to inspect and examine any and all such lands, buildings, equipment, accounts, records and memoranda, including all documents, papers, correspondence now or hereafter existing and kept or required to be kept by such carriers; this provision shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Commission, to persons having control, direct, or indirect, over or affiliated with any motor carriers.

C. As used in this section the term "motor carrier" includes brokers.

SECTION TWENTY-ONE.—Every common carrier by motor vehicle subject to the provisions of this Act receiving property for transportation originating and terminating in this State shall issue to the shipper a receipt or bill of lading therefor, and shall be liable as a common carrier under the laws of this State to the lawful holder thereof for any loss, damage or injury to such property caused by it; and no contract, stipulation, receipt, rule or regulation contained in said receipt or bill of lading, or otherwise, shall exempt such common carrier from the liability hereby imposed; but nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law. Every bill of lading so issued to the shipper shall state the class or classes of freight or express shipped and the rate to the point of destination and the aggregate charge made for the transportation. The Commission shall prescribe the forms and contents of bills of lading receipts, expense bills and other records, to be used by such common carriers subject to the provisions of this Act and to make all proper rules and regulations with respect thereto which may be necessary or proper to secure the safe receipt, handling, transportation and delivery of property by such common carriers upon just and reasonable terms, and such records shall be subject to inspection by the Commission.

SECTION TWENTY-TWO—ORDER OF THE COMMISSION.

A. Except as otherwise provided in this Act, all orders of the Commission shall take effect within such reasonable time as the Commission may prescribe, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

B. As used in this section the term "motor carriers" includes brokers.

SECTION TWENTY-THREE—UNLAWFUL OPERATION.

A. Any person knowingly and wilfully violating any provision of this act, or any rule, regulation, requirement, or order thereunder or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, shall upon conviction thereof, be fined not more than \$100 for the first offense and not more than \$500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

B. If any motor carrier or broker operates in violation of any provision of this act (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any rule, regulation or requirement, or order thereunder, or of any term or condition of any certificate or permit, the Commission or its duly authorized agency may apply to the Circuit Court of the State of Alabama for any county where such motor carrier or broker operates, for the enforcement of such provision of this act, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its officers, agents, employees, and representatives from farther violation of such provision of this act or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto.

C. Any person, whether carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Act, or who by means of any false statement or representation, or by use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or Bill of Sale, or by any other means or device, shall knowingly and wilfully assist suffer or permit any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this act for less than the applicable rate, fare, or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulations as in this Act pro-

vided for motor carriers or brokers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$100 for the first offense and not more than \$1000 for any subsequent offense.

D. Any agent or employee of the Commission who divulges any fact or information which may come to his knowledge during the course of the examination of the accounts, records, and memoranda of motor carriers or brokers as provided in this act, except as he may be directed by the Commission or by a court of competent jurisdiction or judge thereof, shall be subject, upon conviction in any court of the State of Alabama of competent jurisdiction, to a fine of not more than \$1000.

E. It shall be unlawful for any motor carrier or broker engaged in intrastate commerce or any officer, receiver, trustee, lessee, agent, or employee of such carrier, broker, or person, or any other person authorized by such carrier, broker, or person to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such motor carrier or broker for such transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, and it shall be unlawful for any person to solicit or knowingly receive any such information which may be so used.

F. Nothing in this act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, or to any officer or agent of the Government of the United States or of any State, territory, or district thereof, in the exercise of his power, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes or to another carrier or broker or its duly authorized agent, for the purpose of adjusting mutual traffic accounts; in the ordinary course of business of such carriers or brokers.

G. Any motor carrier or broker, or any officer, agent, employee, or representative thereof who shall wilfully fail or refuse to make a report to the Commission as required by this act, or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Commission, or shall knowingly and wilfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and wilfully file any false report, account record or memorandum, shall be deemed guilty

of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than \$5000.

SECTION TWENTY-FOUR. COLLECTION OF RATES AND CHARGES—No common carrier by motor vehicle shall deliver, or relinquish possession at destination of any freight transported by it in intrastate commerce until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for weekly or monthly settlement, and to prevent unjust discrimination or undue preference or prejudice; provided, that the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any state or political subdivision thereof. Where any common carrier by motor vehicle is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect to the transportation of such property, (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him if the consignee (a) is an agent only and has no beneficial title in the property, and (b) prior to delivery of the property, has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and in the case of shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or, in cases of a shipment so re-consigned or diverted, the beneficial owner, shall be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, said beneficial owner shall be liable for all legally applicable charges in connection therewith.

SECTION TWENTY-FIVE. The Commission is authorized to employ such assistants and employees as are necessary to aid the commission in the proper administration and enforcement of this Act, subject to the provisions of the Merit System Act.

SECTION TWENTY-SIX. The Commission is empowered to designate by its order such of its employees to act as Examiners under this Act as may be found to be necessary or desirable.

Each of the Commissioners, and any employee designated as Examiner by the Commission, for the purposes mentioned in this Act and in all hearings before the Commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers.

SECTION TWENTY-SEVEN. From any final action or order of the Commission in the exercise of the jurisdiction, power, authority, conferred upon the Commission by this Act, an appeal shall lie to the Circuit Court of the County of the carrier's residence, or in which he has his principal place of business or to the Circuit Court of Montgomery County, Alabama, sitting in equity, and thence to the Supreme Court of Alabama. Such appeals must be taken within thirty days after the date of such final action or order and such appeals and the supercedes and stay of action or order appealed from in other respects shall be governed by the provisions of the law now in force, or hereafter enacted, respecting appeals in other cases from the final order and actions of the commission.

SECTION TWENTY-EIGHT. For the extra, new and additional duties imposed upon the commission and the members thereof by this Act, and for the performance of duties which are and will be hereafter required of said commission and the members thereof hereunder, each member of the Commission, in addition to the compensation otherwise provided by law to be paid to him for his service as a member of the Commission, shall receive one thousand dollars (\$1,000) annually, to be paid monthly as the salaries of other officers are paid, out of the monies of the State Treasury provided by law for payment of salaries and other expenses of the Commission, which additional sum is to take the place of the sum now received by each member of the Commission under the Alabama Motor Carrier Act of 1927 and/or the Alabama Motor Carrier Act of 1931, which said acts are hereby repealed.

SECTION TWENTY-NINE. There is hereby appropriated out of the monies of the State Treasury to the credit of the "Motor Carrier Fund" the sum of Fifty Thousand Dollars annually, to meet the expense incurred by the Alabama Public Service Commission under the provisions of this Act. The expenses incurred by the Alabama Public Service Commission under the provisions of this Act, when certified by the Commission or its President, and approved by the Governor, shall be paid on warrant drawn as prescribed by law with respect to warrants. Said appropriation as provided hereunder shall be in addition to the appropriation for said Commission provided under Senate Bill 239 of Regular Session of the Legislature of Alabama.

SECTION THIRTY—FEES. In addition to all of the taxes and fees prescribed by law, motor carriers shall pay to the Commission under the provisions of this Act the following:

A. Every application for a certificate of public convenience and necessity or permit under this Act except applications of motor carriers or predecessors in interest, in bona fide operation prior to the effective date of this Act which are filed under the provisions of Section Eight A and Eleven A hereof shall be accompanied by an application fee in the amount of Ten Dollars (\$10.00).

B. Every application for an amendment of a certificate of public convenience and necessity or permit shall be accompanied by an application fee in the amount of Ten Dollars (\$10.00).

C. Every application for transfer of a certificate of public convenience and necessity, or permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00).

D. Every application for approval of a lease of a certificate of public convenience and necessity for a period of more than six months shall be accompanied by a fee of Ten Dollars (\$10.00).

E. For every motor vehicle to be used by a motor carrier on the highway of the State of Alabama there shall be paid a registration fee in the amount of One Dollar, and the Commission is given authority to adopt reasonable rules and regulations for the issuance of an appropriate or distinguishing plate or tag for each such motor vehicle upon which the registration fee prescribed by this Act shall have been paid, and such registration or distinguishing plate or tag shall remain with the motor vehicle for which it was issued and shall be non-transferable. It shall be unlawful for any motor vehicle to be operated on the highways of this State without having conspicuously displayed on the front or rear thereof a registration or distinguishing plate or tag duly prescribed and issued for such vehicle by the Commission under the provisions of this Act, provided however that one such registration or distinguishing plate or tag as provided for by this section shall be issued for each distinguishing plate or identification tag previously issued by the Commission and properly in use by motor carriers holding certificates or public convenience and necessity issued by the Commission or permits theretofore issued, under such reasonable rules and regulations as the Commission may prescribe, but no plate or tag previously issued will be replaced under this proviso until it is determined by the Commission that the carrier holding such plate or tag previously issued is entitled to a certificate or permit under this Act, and pending such determination the use of any such plate or tag previously issued and properly in use on the effective date of this Act, shall be lawful. If in any proceeding in which a motor carrier operating on the effective date of this Act, or prior thereto is seeking a certificate or permit hereunder, it is found that the applicant is not entitled to such certificate or permit and application therefore is denied then in that event,

any and all distinguishing plates or identification tags previously issued to such carrier will be void.

E. All said tax penalties, fees, allowances collected under this Act shall be paid into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasury in a fund to be known as the "Motor Carrier Fund".

SECTION THIRTY-ONE—MUNICIPALITIES. Any incorporated city or town in this State shall have the right by proper ordinance to tax and collect reasonable privilege license or taxes from any motor bus terminal, or any person operating any terminal or station facilities for transportation of passengers, property or express, transported by motor carriers, and any motor carrier as defined by this Act where such motor carrier does business in said city or town by receiving passengers or freight for transportation for hire between said city or town and another point in Alabama, provided, however, that said privilege license or tax shall not exceed the sum of \$25.00 in incorporated cities or towns of less than 5,000 inhabitants, and that said privilege license or tax shall not exceed the sum of \$100.00 in incorporated cities or towns of over 5,000 and less than 25,000 inhabitants; and that said privilege license or tax shall not exceed the sum of \$200.00 in incorporated cities or towns of more than 25,000 and less than one hundred thousand inhabitants; and that said privilege license or tax shall not exceed the sum of \$300.00 in incorporated cities or towns of over one hundred thousand inhabitants; and that the population shall be computed on the federal census of 1930 or any subsequent decennial federal census; and provided further that said privilege license or tax shall, in cases of motor buses, include the privilege of receiving and discharging both passengers and express.

SECTION THIRTY-TWO. The Commission is given the power and authority to make such general rules and regulations not incorporated herein or inconsistent herewith by general order or otherwise as may be necessary to carry out the provisions of this Act, and may on their own initiative inquire into and enforce all provisions of this Act. A substantial compliance by the Commission with the requirements of this Act shall be sufficient to give effect to all rules, orders, acts and regulations of the Commission and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

SECTION THIRTY-THREE. THIS ACT SHALL BE KNOWN AS AND MAY BE CITED AS THE "ALABAMA MOTOR CARRIER ACT OF 1939".

SECTION THIRTY-FOUR. The Act approved August 23, 1927 and known as the Alabama Motor Carrier Act of 1927, and the Act approved June 19, 1931 and known as the Alabama Motor Carrier

Act of 1931, and the Act approved October 28, 1932, General Acts Of Alabama, Extra Session 1932, pp 178-190 are hereby expressly repealed.

SECTION THIRTY-FIVE. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby expressly repealed.

SECTION THIRTY-SIX. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this act; but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

SECTION THIRTY-SEVEN. This Act shall become effective ninety (90) days after the approval of same by the Governor.

And the substitute offered by Mr. Dominick for the bill, H. 792, was adopted.

Yeas, 67; Nays, 2.

Yeas:

Mr. Speaker	Dominick	Langley	Segrest
Austin	Doster	Lovelace	Sessions
Barchard	Ellis	Mavhall	Spence
Barnes	Garrett	Miller	Stallings
Beck	Gewin	McDanal	Stone
Brown (Covington)	Graham	McGowin	Taylor
Brown (Lee)	Green	Nation	Tidmore
Carwile	Gwin	Neighbors	Walden
Castleberry	Hall	Newman	Waldrop
Chewning	Hamilton	Norman (Bullock)	Wallace
Christopher	Hardwick	Norman (Lowndes)	Waller
Cobb	Hare	Owens	Welch
Collier	Hill (Lauderdale)	Payne	Weston
Cook	Hill (Marion)	Phillips	Whigham
Davis (Madison)	Inge	Quarles	White
Dearman	Kaul	Robertson (Cullman)	Wood
Dobbs	Langan	Robinson (Lowndes)	

—67

Nays: Messrs. Deloney, Martin.

— 2

And said bill:

H. 792. Definng common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and

equipment; certificates, permits, licenses, franchises and contracts; conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act; to provide for the punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

As amended by the substitute offered by Mr. Dominick, was read a third time at length and passed.

Yeas, 67; Nays, 2.

Yeas:

Mr. Speaker	Dominick	Langley	Segrest
Austin	Doster	Lovelace	Sessions
Barchard	Ellis	Mayhall	Spence
Barnes	Garrett	Miller	Stallings
Beck	Gewin	McDanal	Stone
Brown (Covington)	Graham	McGowin	Taylor
Brown (Lee)	Green	Nation	Tidmore
Carwile	Gwin	Neighbors	Walden
Castleberry	Hall	Newman	Waldrop
Chewning	Hamilton	Norman (Bullock)	Wallace
Christopher	Hardwick	Norman (Lowndes)	Waller
Cobb	Hare	Owens	Welch
Collier	Hill (Lauderdale)	Pavne	Weston
Cook	Hill (Marion)	Phillips	Whigham
Davis (Madison)	Inge	Quarles	White
Dearman	Kaul	Robertson (Cullman)	Wood
Dobbs	Langan	Robinson (Lowndes)	

—67

Nays: Messrs. Deloney, Martin.

— 2

On motion of Mr. Dominick the bill, H. 792, was ordered sent forthwith to the Senate without engrossment.

H. 791. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and to provide penalties for violation of this Act.

Was taken up. Mr. Dominick offered the following substitute for the bill, H. 791.

Substitute for H. 791, by Mr. Dominick:

A BILL

To be entitled An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other States.

Be it Enacted by the Legislature of Alabama:

SECTION 1. The following words, terms and phrases when used in this Act shall have meanings ascribed to them in this section except where the context clearly indicates a different meaning. (1) The words "vehicle transporting property" shall mean a straight truck with two axles, a trailer, a truck semi-trailer with three axles, and a straight truck with three axles. (2) Motor Carrier means any person, firm, partnership, association, joint stock company, corporation, lessee, trustee, or receiver appointed by any court controlling operating or managing any motor vehicle used for the transportation of persons or property for hire. (b) The term "department" means the Department of Revenue of the State of Alabama. (c) The term "Commissioner" means the Commissioner of Revenue of the State of Alabama. (3) The word taxpayer means any person, firm, partnership, association, joint stock company, corporation lessee, trustee or receiver appointed by any court liable for taxes hereunder. (4) The term person means any individual, firm, co-partnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. (5) "Seating Capacity" means actual number of regular passenger carrying seats in a motor vehicle. (6) "Regular passenger Carrying seats" means a seat ordinarily and customarily used by one (1) passenger but does not include folding, or collapsible emergency aisle seats;

SECTION 2. That every motor carrier traversing the highways of the State subject to the provisions of an Act known as the Alabama Motor Carrier Act of 1939 shall pay to the State of Alabama into the fund of the State Department of Revenue as contribution to the maintenance, repair and policing of its public highways for each mile actually operated within the state on such

public highways, whether such vehicle is loaded or empty, a mileage tax of one-fourth ($\frac{1}{4}$) cent per mile on all passenger vehicles with a seating capacity of sixteen (16) passengers or less; and a mileage tax of one-half ($\frac{1}{2}$) cent per mile on all passenger vehicles with a seating capacity of not less than seventeen (17) passengers and not more than twenty-one (21) passengers; and a mileage tax of three fourths ($\frac{3}{4}$) cent per mile on all passenger vehicles with a seating capacity of twenty-two (22) and not exceeding twenty-five (25) passengers; and a mileage tax of one cent (0.01) per mile on all passenger vehicles with a seating capacity exceeding twenty-five (25) passengers; "seating capacity" for the purpose of this Act means actual number of regular passenger carrying seats in a motor vehicle; and "regular passenger carrying seats" as used in this Act means a seat ordinarily and customarily used by one (1) passenger but does not include folding, or collapsible emergency aisle seats; provided, however, that the number of such folding or collapsible aisle seats shall not be greater in number than twenty-five per cent (25%) of the regular seats in such vehicle; and provided further that where any seats in the vehicle are not distinguished by separate cushions or backs, one seat shall be counted for each eighteen (18) inches of space on any such seat; and a mileage tax of one-fourth ($\frac{1}{4}$) cent per mile, per axle, on all vehicles transporting property for hire, except that all vehicles domiciled in Alabama, and transporting property for hire and operating under the provisions of any reciprocal agreement made between the State of Alabama and any other State, after the effective date of this Act, shall pay ($\frac{1}{3}$) cent per axle, per mile. All vehicles operating within the State of Alabama may or may not participate in reciprocal agreements made between the State of Alabama and any other State, but all vehicles must register with the Department of Revenue of the State of Alabama under such reasonable rules and regulations as it may establish, as to participation in such reciprocal agreements. For the purposes of this Act a Motor Carrier shall be considered as domiciled in the State in which it is incorporated, and if not incorporated, in that State in which its central or home office is located.

The taxes imposed by this Act shall be increased fifty percent (50%) if the annual license tax prescribed by the laws of this State on like vehicle is not paid.

Such mileage tax as herein set out shall be paid by such motor carrier in addition to all property, franchise, license or other taxes, fees and charges now or hereafter provided by law.

The tax herein levied shall constitute a debt due the State of Alabama and may be collected by civil suit in addition to the methods herein provided.

SECTION 3. The taxes levied under the provisions of this Act, shall be due and payable in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues. On or before the 15th day of each month after this act shall have taken effect, every motor carrier on whom the taxes levied by this Act are imposed, shall render to the State Department of Revenue on a form prescribed by the Department, a true and correct statement showing (a) the mileage traveled on the highways of this State for the preceding month, or portion thereof, (b) the number, kind, motor number and make of the motor vehicle so operated, together with such other information as the Department may demand and require, and at the time of making such monthly report such person shall compute the taxes due and shall pay to the State Department of Revenue the amount of taxes shown to be due. The Department of Revenue, for good cause, may extend the time for making any return required under the provisions of this Act, but the time for filing any such return shall not be extended for a period greater than sixty days from the date such return is due to be made.

SECTION 4. It shall be the duty of every such motor carrier subject to the tax imposed by this Act, to keep and preserve suitable records of the mileage traveled by every vehicle subject hereto, and such other books or accounts as may be necessary to determine the amount of tax for which such motor carrier is liable, under the provisions of this Act, showing the number, make, motor number, of the motor vehicle so operated, and all such books and records shall be open for examination at any time by the Department, or its duly authorized agent. The Department is given full power and authority to prescribe records to be kept and reports to be made by such companies to facilitate collection of mileage tax imposed by this Act.

SECTION 5. Any person subject to the provisions of this Act who shall fail to make the reports or any of them as herein required, or who shall fail to keep the records as herein required shall be guilty of a misdemeanor and upon conviction shall be punished as is provided in case of conviction for a misdemeanor for each offense. Each month of such failure shall constitute a separate offense.

SECTION 6. As soon as practicable after the return is filed the Department shall examine it and ascertain the proper amount of the tax as shown by the return. If the amount paid is greater than the amount due, as shown by the return, the excess shall be refunded to the motor carrier, or credited on any deficiency previously due by the motor carrier, in accordance with law and under such rules and regulations as the Department may adopt and promulgate. If the amount paid is less than the amount due, as shown

by the return, the Department shall immediately notify the motor carrier of such deficiency and shall add thereto a penalty of ten (10%) per cent of the amount due, and if such deficiency be not paid within thirty days from the date of such notice, the same shall bear interest at the rate of one-half of one ($\frac{1}{2}$ or 1%) per cent per month, or fraction thereof, from the date the same was due and shall be collected as a part of the tax,

SECTION 7. Any motor carrier who fails to pay the tax herein levied within the time required by this Act shall pay, in addition to the tax, a penalty of ten (10%) per cent of the amount of the tax due, together with interest thereon at the rate of one-half of one ($\frac{1}{2}$ or 1%) percent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax.

SECTION 8. If any motor carrier fails to make the returns herein required, the Department shall issue written notice by registered mail, to such taxpayer to make such returns forthwith, and if such taxpayer fails or refuses to make such return, or returns, within thirty days from the date of such notice, then the Department shall make return for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return and payment of twenty-five (25%) per cent of the tax due, as assessed by the department, and interest at the rate of one-half of one ($\frac{1}{2}$ or 1%) per cent per month, or fraction thereof, from the date such taxes were due. Provided, the Department, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five (25%) per cent penalty, or a portion thereof.

SECTION 9. Whenever the Department in examining and auditing the records of any motor carrier, or from other information, shall ascertain that the amount, or amounts, previously paid by any motor carrier for any period, or periods, is incorrect, the Department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the motor carrier in accordance with law and under the rules and regulations of the Department. If it appears that the amount paid by such taxpayer is less than the amount due, the Department shall compute the amount of such deficiency and shall notify the taxpayer, and shall demand payment therefor, and if not paid within ten (10) days from the date of such demand, the Department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one-half of one ($\frac{1}{2}$ or 1%) per cent per month from the date such taxes, or any part thereof becomes due. Provided that if the Department be of the opinion that there was a wilful or fraudulent intent by the taxpayer to evade the tax due, it may assess a

penalty of twenty-five per cent (25%) of the tax. Provided that upon appeal such action shall be reviewable.

SECTION 10. Whenever the Department shall make an assessment against a motor carrier as herein provided, the Department shall notify the motor carrier by registered mail of the amount of such assessment, and shall notify the motor carrier to appear before the Department on a day named not less than twenty (20) days from date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the Department, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the Department to be correct. If upon such hearing the Department finds the amount due to be different from the originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify the motor carrier of the assessment as finally fixed. Provided a notice by United States mail addressed to the motor carrier's last known place of business shall be sufficient. Any assessment made by the Department shall prima facie be correct upon appeal.

SECTION 11. Whenever any motor carrier, who has duly appeared and protested an assessment by the Department, is dissatisfied with the assessment as finally made, he may appeal in all respects in the same manner provided by Act. No. 154 approved April 21, 1936 (Act Sp Session 1936 P. 172.) Provided no appeal shall lie in cases where the motor carrier has failed to appear and protest.

SECTION 12. The tax together with interest and penalties imposed by this Act shall be a lien upon the property of any person subject to the provisions of this Act, and the provisions of the Revenue laws of the State of Alabama applying to liens for license taxes shall apply fully to the taxes herein levied.

SECTION 13. If no appeal is taken from the final determination or assessment of any such tax or penalty, either or both, within the time allowed by law, and such tax or penalty, either or both, remains unpaid for thirty days after such determination or assessment becomes final, or if a taxpayer has filed a signed return with the State Department of Revenue showing the amount of such tax which is due and such tax is not paid within thirty days after said signed return is so filed, then in either event, the State Department of Revenue shall issue a writ of execution therefor directed to any sheriff of the State of Alabama commanding him to levy upon and sell the real and personal property of such person against whom such execution is directed, found within his county for the payment of the amount thereof, with damages to the amount of ten per cent

(10%) of the tax in addition to the fees and penalties imposed thereon, and interest, and the cost of executing said writ, and return said writ to the State Department of Revenue and pay to it the money collected by virtue thereof. The sheriff shall, upon the receipt of said writ of execution, file a copy thereof with the probate judge of his county and thereupon the probate judge shall enter the same, without fees therefor, in the book for the registration of liens of judgments and decrees kept in his office and the day and hour when such copy is filed, and thereupon the amount of such execution so entered shall become a lien in the county where filed, on all the property of such taxpayer, and such lien shall continue for ten years after the date of such execution. The filing of such execution as provided herein shall be notice to all persons of the existence of the lien thereby created. The sheriff thereupon shall levy upon any property of said taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court, or court of like jurisdiction, and the sheriff shall be entitled to the same fee for his service as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within sixty days of the issuance thereof to the State Department of Revenue and upon such return, alias or plures executions may be issued by the Department which shall be executed in the same manner.

If the Commissioner of Revenue ascertains or has just cause to believe that any person is indebted to, or has in his possession or under his control, any money, property, or choses in action belonging to any such delinquent taxpayer in this State, he shall forthwith have served upon such person a notice in writing to appear before some court in the county having jurisdiction of the amount involved, naming the court, to answer as garnishee, and under oath, whether he was indebted to such taxpayer at the time of the service of the notice, or at the time of making his answer, or whether he will be indebted to him by any contract then existing, and if so, the amount of such indebtedness; and whether he has in his possession or under his control, any and what money, property or choses in action belonging to such taxpayer; and in such notice the amount of the taxes, penalties, or fees, either or all, due from such taxpayer shall be set out. Such taxpayer, if in the State shall also be given written notice of the service of such garnishment; and such garnishment and notice shall, without delay, be filed in the court before the garnishee is cited to appear. It shall be the duty of the Commissioner of Revenue, as far as by diligent inquiry he can, to ascertain what persons are indebted to or have in their possession any money, property or choses in the action belonging to any delinquent taxpayer.

Such proceedings shall be conducted in the name of the state; and if the notice served on the garnishee is returnable before a justice of the peace, or court having like jurisdiction, the garnishee must answer within three days after service of writ of garnishment; if before the circuit court or court having like jurisdiction, he must answer within thirty days after service of writ of garnishment; and thereupon, or in the event of a failure to answer such proceedings, judgment may be had as in cases of garnishment on judgment. The same fees shall be charged as in cases of garnishment on judgment.

SECTION 14. The State Department of Revenue is hereby empowered to enter into reciprocal agreements or contracts with other States constituting a fair exchange of rights or privileges in regard to the use of the highways of this State by motor vehicles operated for hire under the provisions of this Act. The Said reciprocal agreement or contract can be annulled on notice issued to either party by the other party thereto within 30 days thereafter.

SECTION 15. When any such motor carrier shall be delinquent in paying the mileage tax as provided in this Act for a period of 60 days, the State Department of Revenue shall notify the Alabama Public Service Commission of such default in writing and the Alabama Public Service Commission may suspend or may revoke, after public hearing, any and all certificates of public convenience and necessity or permits that are in force and effect of said motor carrier which is in default of the payment of said mileage tax.

SECTION 16. Every motor carrier and every officer, agent or employee of any such motor carrier and every other person who violates, or causes or aids or abets any violation of any provision of this Act, or order, rule or regulation of the Department of Revenue or of the Alabama Public Service Commission under the provisions of this Act, or who knowingly makes any false or erroneous statement, report or representation to the Alabama Public Service Commission or to the Department Of Revenue, with respect to any matter placed under the jurisdiction of the Alabama Public Service Commission or the Department of Revenue by this Act, or who shall knowingly make any false entry in the accounts or records required to be kept pursuant to the authority granted by this Act, or who shall knowingly fail to keep, or who shall knowingly destroy or mutilate any such accounts or records, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail for not exceeding one year, or both such fine and imprisonment. Prosecutions may be had in the Circuit Court of any county of which the offence, or any part thereof shall have occurred; and all fines and forfeitures collected under the provisions of this act shall be

paid into the Treasury of the State Of Alabama and placed to the credit of the Alabama Department Of Public Safety.

SECTION 17. The State Department Of Revenue is hereby empowered to employ such agents or employees as are necessary for the collection of this said mileage tax.

SECTION 18. Every such motor carrier shall file with the State Department Of Revenue a bond in a sum not to exceed \$1,000.00 made payable to the State of Alabama to insure the collection of such mileage tax. Such bond to be approved by the Commissioner of the State Department of Revenue, provided, however, that the Commissioner of the State Department of Revenue may accept bonds issued by the State of Alabama or other adequate security in lieu of such bond.

SECTION 19. All such mileage tax, penalties, fees and amounts collected under this Act shall be paid into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasurer in a fund to be known as the "Motor Carrier Fund" and shall be used as follows: (a) for the payment of all necessary expenses as approved by the Governor, incurred by the State Department Of Revenue in the discharge of its duties incident to the collection of mileage tax under the provisions of this Act; (b) for the payment of all expenses, as approved by the Governor, incurred by the Alabama Public Service Commission in the discharge of its duties under the "Alabama Motor Carrier Act Of 1939", said expenses to be paid from the appropriation of the sum of \$50,000.00 annually, to meet such expenses, provided under the "Alabama Motor Carrier Act Of 1939" which appropriation shall be in addition to the appropriation for said Commission provided under Senate Bill No. 239 of Regular Session, 1939, of the Legislature of Alabama; (c) The remainder of said "Motor Carrier Fund" at the end of each fiscal year shall be paid into the appropriate fund to the credit of the State Highway Department to be used in the maintenance, policing and repair of public highways in the State.

SECTION 20. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are to the extent of such conflict or inconsistency hereby repealed.

SECTION 21. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Act; but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which judgement has been rendered.

The provisions of this Act shall become effective within 90 days after its approval by the Governor.

And the substitute offered by Mr. Dominick for the bill, H. 791, was adopted.

Yeas, 60; Nays, 1.

Yeas:

Mr. Speaker	Doster	Locke	Stone
Barchard	Ellis	Mathews (Clarke)	Sightler
Beck	Garrett	Miller	Spence
Boswell	Graham	McDanal	Stallings
Brown (Covington)	Gwin	McGowin	Tidmore
Carwile	Hall	Nation	Toomer
Castleberry	Hamilton	Neighbors	Walden
Chewning	Hardwick	Norman (Bullock)	Waldrop
Christopher	Hare	Norman (Lowndes)	Wallace
Cobb	Hill (Lauderdale)	Owens	Waller
Collier	Hill (Marion)	Pool	Welch
Cook	Inge	Quarles	Weston
Davis (Madison)	Kaul	Robertson (Cullman)	White
Dobbs	Langan	Robinson (Lowndes)	Wood
Dominick	Langley	Sessions	Young

—60

Nay: Mr. Sanderson.

— 1

And said bill:

H. 791. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and to provide penalties for violation of this Act.

As amended by the substitute offered by Mr. Dominick, was read a third time at length and passed.

Yeas, 60; Nays, 1.

Yeas:

Mr. Speaker	Doster	Locke	Sightler
Barchard	Ellis	Mathews (Clarke)	Spence
Beck	Garrett	Miller	Stallings
Boswell	Graham	McDanal	Stone
Brown (Covington)	Gwin	McGowin	Tidmore
Carwile	Hall	Nation	Toomer
Castleberry	Hamilton	Neighbors	Walden
Chewning	Hardwick	Norman (Bullock)	Waldrop
Christopher	Hare	Norman (Lowndes)	Wallace
Cobb	Hill (Lauderdale)	Owens	Waller
Collier	Hill (Marion)	Pool	Welch
Cook	Inge	Quarles	Weston
Davis (Madison)	Kaul	Robertson (Cullman)	White
Dobbs	Langan	Robinson (Lowndes)	Wood
Dominick	Langley	Sessions	Young

—60

Nay: Mr. Sanderson.

— 1

On motion of Mr. Dominick the bill, H. 791, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the resolution, S. J. R. 159, and sends same herewith to the House for its consideration:

By Mr. Simpson:

S. J. R. 159. BE IT RESOLVED, By the Senate of Alabama, the House of Representatives concurring,

1. That the Legislature of Alabama deplores the return of the world to a condition where it is necessary to defend right by force; it recognizes, however, that such is the present situation.

2. It calls upon the President and the Congress of the United States to take immediate, vigorous, and effective steps to prepare the United States to defend the interests of the United States and its nationals, and its institutions and form of government against any nation, or probable combination of nations capable of being brought together against it.

3. That the State of Alabama recognizes that this necessary step constitutes a radical change from our past national economy and will entail great and trying sacrifices on the part of the citizens of this and every state. It pledges itself and the people of Alabama to a full participation in these sacrifices.

4. That copies hereof be sent to the President, the Senators and Congressmen representing Alabama in Congress, and the Secretaries of State, War, and Navy.

5. The Legislature of Alabama hereby endorses the efforts now being made by the President of the United States to put the United States in a state of preparedness.

J. E. Speight,
Secretary.

SENATE MESSAGE

The S. J. R. 159, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Booth:

S. J. R. No. 160. BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Governor be, and he hereby is, requested to appoint a committee of five persons to review from time to time the progress of the experience rating program adopted under the Unemployment Compensation Law, to make a study of the benefit formula to determine whether it meets the objectives of the law, and to suggest, if the committee finds them needed, revisions and modifications in the law, to be submitted to the Governor, for presentation to the next session of the Legislature.

And sends same herewith to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Dominick the Rules were suspended and the S. J. R. 160, set out in the above and foregoing Message from the Senate, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible property is legally or equitably owned by a non-resident domiciled in another state wherein such intangible property is subjected to death taxation.

By a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 25; Nays, 0.

And said bill, H. 976, as thus amended by the amendment of His Excellency, the Governor, was again read a third time and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 23; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILL ON THIRD READING

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies.

Was taken up. Mr. Quarles offered the following substitute for the bill, H. 1065.

Substitute for House Bill 1065, by Mr. Quarles:

A BILL

To be entitled An Act to amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or

Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies and for payment of obligations and expenses of the Armory Commission of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." is hereby amended so as to read as follows: "Section 188. "ACTIVE MILITARY SERVICE" APPROPRIATION: In addition to the monies to be appropriated for the purpose stated in Section 187, there shall be appropriated by the Legislature at each of its quadrennial sessions, or such other sessions as conditions may require, out of the monies not otherwise appropriated, an "Active Military Service" appropriation providing such sum as may be necessary for pay, allowances, subsistence, shelter, travel and other necessary expenses of the Militia called into the active military or naval service of the State for the purpose of enforcing the law, preservation of peace, for the security of lives of citizens, for aid and relief of our citizens in case of disaster, for the protection

of property and for such other purposes as the Governor or the Adjutant General may, for specific reasons, designate as in the active military or naval service of the State. The Governor is authorized, at his discretion, to supplement, in such amount or amounts as he shall deem advisable from time to time, any item of any regular appropriation for military purposes out of the Active Military Service appropriation authorized by this Section, for the use of the State Military Department or the Armory Commission of Alabama, or both, in providing for any additional duties, services, supplies, materials, equipment, housing, training facilities, maintenance or other expenses needed to provide for the proper maintenance, support, administration, and training of any additional strength or units of the National Guard over and above the strength and units thereof on June 30, 1939, or of any additional strength or units of the National Guard authorized by the United States Government during a period of National Emergency and while the same are not in the active military service of the United States. The Governor may also authorize, in his discretion, the payment to the Armory Commission of Alabama of any part of any unexpended balance of any annual budget allotment or estimate made by or with the approval of the Governor for or under the said "Active Military Service" appropriation for the purpose of paying or satisfying any obligations of the Armory Commission of Alabama incurred in the performance of any of its duties under the laws of the state. There shall be set up in the annual budget of the State an allotment or estimate of not less than forty thousand dollars under said appropriation, but no annual or periodic budget allotment or estimate contained in or made under authority of any Act, nor anything contained in this section, shall be construed as placing a maximum limitation on the "Active Military Service" appropriation herein authorized, provided, however, that expenditures from this appropriation shall not exceed such annual budget allotment without the express approval of the Governor. The disbursement of all funds appropriated by this section shall be on vouchers approved by The Adjutant General and the Governor."

Section 2. If any section, paragraph, clause, or separate provision of this Act or of said Military Code of Alabama as amended by this Act shall be held to be invalid, such fact shall not affect or render invalid any other section, paragraph, clause, or separate provision of this Act or of said Military Code of Alabama as amended by this Act, it being the intention of the Legislature in enacting this Act to enact each such section, paragraph, clause, and provision separately.

Section 3. Any law or part of any law enacted prior to the date of approval of this Act which is inconsistent with any pro-

vision of this Act or of said Military Code of Alabama as amended by this Act is hereby expressly repealed.

Section 4. This Act and all the provisions thereof shall become effective immediately upon its approval.

And the substitute offered by Mr. Quarles for the bill, H. 1065, was adopted.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langley	Robertson (Cullman)
Austin	Doster	Locke	Robinson (Lowndes)
Bagley	Ellis	Lovelace	Sanderson
Barchard	Garrett	Martin	Scott
Barnes	Gewin	Mathews (Clarke)	Segrest
Beck	Golson	Miller	Sessions
Boswell	Green	McDanal	Stallings
Brown (Covington)	Hall	Nation	Stone
Brown (Lee)	Hamilton	Neighbors	Taylor
Carwile	Hardwick	Newman	Tidmore
Castleberry	Haynes	Norman (Bullock)	Toomer
Collier	Henson	Norman (Lowndes)	Walden
Davis (Madison)	Hill (Lauderdale)	Payne	Waldrop
Dearman	Hill (Marion)	Phillips	Waller
Delony	Inge	Pool	Welch
Dobbs	Langan	Quarles	Young

—64

And said bill:

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments

for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies.

As amended by the substitute offered by Mr. Quarles, was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Langley	Robertson (Cullman)
Austin	Doster	Locke	Robinson (Lowndes)
Bagley	Ellis	Lovelace	Sanderson
Barchard	Garrett	Martin	Scott
Barnes	Gewin	Mathews (Clarke)	Segrest
Beck	Golson	Miller	Sessions
Boswell	Green	McDanal	Stallings
Brown (Covington)	Hall	Nation	Stone
Brown (Lee)	Hamilton	Neighbors	Taylor
Carwile	Hardwick	Newman	Tidmore
Castleberry	Haynes	Norman (Bullock)	Toomer
Collier	Henson	Norman (Lowndes)	Walden
Davis (Madison)	Hill (Lauderdale)	Payne	Waldrop
Dearman	Hill (Marion)	Phillips	Waller
Delony	Inge	Pool	Welch
Dobbs	Langan	Quarles	Young

—64

On motion of Mr. Quarles the bill, H. 1065, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this Act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to generally pro-

vide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 24; Nay, 1.

And said bill, H. 392, as thus amended by the amendment of His Excellency, the Governor, was again read a third time and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 24; Nay, 1.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Carlton:

S. 516. To provide for the election of a County Superintendent of Education of Marengo County, Alabama by the qualified electors thereof, and to prescribe the duties and fix the term and compensation of such officer, and for the repeal of all laws local or general in conflict with the provisions of this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, providing in substance as follows:

A BILL

To be entitled An Act to provide for the election of a County Superintendent of Education of Marengo County, Alabama, by the qualified electors hereof, and to prescribe the duties and fix the term and compensation of such officer, and for the repeal of all laws, local or general in conflict with the provisions of this act.

THE STATE OF ALABAMA,
MARENGO COUNTY,

Before me, Valda Reed Allen, a notary public in and for said County, in said State, personally appeared R. E. Sutton, who, being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, Marengo County, Alabama, and that the said Democrat-

Reporter is a newspaper of general circulation in Marengo County, Alabama, and that the NOTICE of a Local Bill for Marengo County to Provide for the Election of a County Superintendent of Education, etc., copy of which is hereto attached, was published in said newspaper, The Democrat-Reporter, for four consecutive weeks, to-wit: in the issues dated August 17, 1939; August 24, 1939, August 31, 1939, September 7, 1939, and that each of said above issues was duly circulated among the subscribers of said newspaper, which said newspaper has been mailed under a second class mailing privilege of the United States Post Office where it is published for fifty-two (52) consecutive weeks prior to the publication of the above stated

R. E. SUTTON,

Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this 7th day of September, 1939.

VALDA REED ALLEN,

Notary Public, Marengo County, Alabama.

My commission expires March 10, 1943.

(Seal)

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Local Legislation No. 1, S. 516.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bill:

H. 392. To impose an excise tax upon the sale, distribution, storing, or withdrawal from storage within this State of certain motor fuels when used to operate motor vehicles upon the highways; to define the term motor fuel as used herein; to fix the amount of such tax and to provide for the collection thereof; to provide penalties for the violation of this Act; to provide for the expense of administering the provisions hereof; to provide for the disposition of the proceeds of such tax; to authorize the State Department of Revenue to adopt and promulgate rules and regulations with respect to the administration and enforcement of the provisions of this act; to provide for a modification or repeal of laws or portions thereof to the extent of any conflict with the provisions of this act; to fix the effective date of this act; and to gen-

erally provide for the enforcement of the provisions of this act and rules and regulations adopted pursuant thereto.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILL

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

BILLS ON THIRD READING

H. 1067. To provide that all fines and forfeitures imposed or incurred for a violation of the provisions of an Act entitled "The Alabama Highway Code", approved August 23, 1927, and an Act entitled "An Act defining motor transportation companies and "motor transportation operators", conferring jurisdiction upon the Alabama Public Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violations thereof", approved June 19, 1931, and an Act entitled "An Act to regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, Courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency", approved

October 6, 1932, and an Act entitled "An Act defining contract carriers and common carriers by motor vehicles not subject to the provisions of the Alabama Motor Carrier Act of 1931; to authorize regulate and govern the transportation for hire of persons and property on highways by motor vehicles operated by such contract carriers and common carriers; to authorize, regulate and govern the issuance of permits therefor; to regulate and govern the rates and practices of such carriers; to provide for the payment of fees, and for the payment of excise taxes for the use of the public highways by such contract carriers and common carriers, and to provide for the disposition thereof; to enlarge the powers and duties of the Alabama Public Service Commission and Probate Judges of the State with respect to permits issued to and the regulation and control of such carriers, and to provide for the payment of fees to such Probate Judges; to provide for the appointment of resident agents (upon whom service of process may be had) of such contract carriers and common carriers who may be non-residents of the State; to authorize municipalities in this State to prescribe license taxes to be paid by such contract carriers and common carriers; to prescribe and regulate the practice and procedure before the Alabama Public Service Commission with respect to said carriers, and to authorize and prescribe appeals from rulings with respect to such carriers, and to regulate injunctions in like orders respecting the same; and to provide for the enforcement, and to prescribe punishment and penalties for the violation of this Act", approved October 28, 1932, and an Act Entitled "An Act to prohibit the driving of motor vehicles by habitual users of narcotic drugs and habitual drunkards, and by persons intoxicated by liquor or narcotic drugs; to provide penalty for the violation of this Act", approved March 4, 1937, or any Acts amendatory thereof, shall, when collected, be covered into the State Treasury to the credit of the Highway Patrol Fund to be expended as the other moneys in said Fund.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Christopher	Graham	Kaul
Austin	Collier	Hall	Langan
Barchard	Cook	Hamilton	Langley
Barnes	Davis (Madison)	Hardwick	Locke
Beck	Dearman	Haynes	Martin
Boswell	Delony	Henson	Mathews (Clarke)
Brown (Covington)	Dobbs	Hill (Lauderdale)	Miller
Brown (Lee)	Ellis	Hill (Marion)	McDanal
Carwile	Golson	Inge	Nation

Neighbors	Robinson (St. Clair)	Stone	Waller
Norman (Lowndes)	Sanderson	Taylor	Welch
Owens	Segrest	Tidmore	White
Payne	Sherrer	Toomer	Wood
Robertson (Cullman)	Sightler	Wallace	Young
Robinson (Lowndes)	Stallings		

—58

On motion of Mr. Welch, the bill, II. 1067, was ordered sent forthwith to the Senate without engrossment.

H. 435. To amend Section 3855 of the 1928 Code of Alabama.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

Substitute for H. 435:

A BILL

To be entitled An Act To amend Section 3855 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

SECTION 1. That Section 3855 of the Code of Alabama for 1923 be amended so as to read as follows:

"Section 3855. TRIAL, CONTINUANCES.—If the accused and the prosecutor are both present, and also the witnesses for the prosecution and defense, and the accused does not demand a trial by jury, the trial must proceed before the justice or court of like jurisdiction, unless for good cause shown, he continues it to some other day not more than ten days distant. At such trial the defendant must either be acquitted or convicted without any delay, unless the case is continued for the defendant by the justice or court for him to pay off any fine which might be put on him. Failure of any justice or court of like jurisdiction to fix a bond for the defendant upon his conviction, upon his giving notice of appeal, any circuit judge may fix the amount of appeal bond and may also approve said bond."

Section 2. This act shall become operative immediately upon its approval by the Governor or otherwise becoming a law.

And the substitute reported by the Standing Committee on Judiciary for the bill, H. 435, was adopted.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Segrest
Austin	Ellis	Matthews (Jackson)	Sessions
Beck	Gewin	Miller	Sherrer
Boswell	Golson	Neighbors	Sightler
Brown (Covington)	Graham	Newman	Snyder
Carwile	Hall	Norman (Bullock)	Stallings
Chewning	Hamilton	Norman (Lowndes)	Taylor
Christopher	Hardwick	Owens	Tidmore
Collier	Hill (Lauderdale)	Payne	Walden
Cook	Hill (Marion)	Petrey	Waldrop
Davis (Madison)	Inge	Robertson (Cullman)	Waller
Dearman	Langley	Robinson (Lowndes)	Welch
Delony	Locke	Robinson (St. Clair)	Wood
Dobbs	Martin	Sanderson	Young

—56

And said bill:

H. 435. To amend Section 3855 of the 1928 Code of Alabama.

As amended by the substitute reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Segrest
Austin	Ellis	Matthews (Jackson)	Sessions
Beck	Gewin	Miller	Sherrer
Boswell	Golson	Neighbors	Sightler
Brown (Covington)	Graham	Newman	Snyder
Carwile	Hall	Norman (Bullock)	Stallings
Chewning	Hamilton	Norman (Lowndes)	Taylor
Christopher	Hardwick	Owens	Tidmore
Collier	Hill (Lauderdale)	Payne	Walden
Cook	Hill (Marion)	Petrey	Waldrop
Davis (Madison)	Inge	Robertson (Cullman)	Waller
Dearman	Langley	Robinson (Lowndes)	Welch
Delony	Locke	Robinson (St. Clair)	Wood
Dobbs	Martin	Sanderson	Young

—56

On motion of Mr. Snyder the bill, H. 435, was ordered sent forthwith to the Senate without engrossment.

H. 863. To provide for the manufacture or purchase and distribution of Anti-Hog Cholera Serum and Hog Cholera Virus for the suppression of Hog Cholera in the State of Alabama by the Department of Agriculture and Industries; the method of making appropriation for the manufacture and purchase and distribution of Anti-Hog Cholera Serum.

Was taken up. Mr. Walden offered the following substitute for the bill, H. 863:

Substitute for H. 863, by Mr. Walden :

A BILL

To be entitled An Act to provide for the manufacture or purchase and distribution of Anti-Hog Cholera Serum and Hog Cholera Virus for the suppression of Hog Cholera in the State of Alabama by the Department of Agriculture and Industries; and to make an appropriation for the purpose of carrying out the provisions of this act.

Be it Enacted by the Legislature of Alabama :

Section 1. It shall be the duty of the Department of Agriculture and Industries to provide and distribute as hereinafter provided anti-hog cholera serum, hog cholera virus, or any other recognized specific for the treatment or prevention of hog cholera, to be furnished to the people of Alabama engaged in raising hogs for their own use and consumption or for commercial purposes.

Section 2. Any citizen of the State of Alabama engaged in raising hogs for his own personal use or for commercial purposes may make application, in writing, to the Department of Agriculture and Industries for a sufficient quantity of anti-hog cholera serum, hog cholera virus, or any other recognized specific for the treatment or prevention of hog cholera. Such application shall be in duplicate upon a form to be furnished by the Department of Agriculture and Industries, and shall be made by and through the County Agent of the county of the citizen's residence. Said application shall show the total number of hogs which the applicant and the members of his immediate family have that have not been treated for hog cholera, together with the approximate size of each, and shall also contain a statement that the serum and virus applied for will be used by him exclusively for the treatment of his own hogs and the hogs of the members of his immediate family, as described in said application. Said application shall be under oath. One copy of said application shall be kept by the County Agent in his office for a period of not less than two years, and the other copy shall be transmitted by him to the Department of Agriculture and Industries, which shall keep the same. Upon such application being filed with the County Agent of the county of the residence of the citizen making the same, it shall be the duty of the County Agent to determine the proper proportion of anti-hog cholera serum and hog cholera virus needed to treat the hogs described in said application, and it shall be his further duty to furnish the required amount of anti-hog cholera serum and hog cholera virus to persons making the application, in the manner hereinafter provided. Such anti-hog cholera serum and hog cholera virus shall be furnished an-

nually for and at the following scheduled amounts: (a) The first one thousand (1000) cubic centimeters, or such part thereof as may be necessary, shall be furnished to the applicant without cost; (b) the next two thousand (2000) additional cubic centimeters, or such part thereof as may be necessary, shall be furnished to the applicant at fifty percent (50%) of the actual cost; and (c) every additional cubic centimeter of the first three thousand (3000) cubic centimeters hereinabove provided for, as shall be necessary, shall be furnished to the applicant at actual cost.

Section 3. The Department of Agriculture and Industries is hereby authorized and directed to investigate and determine the comparative cost of the manufacture and purchase of the necessary quantity of anti-hog cholera serum, hog cholera virus, or any other recognized specific for the treatment or prevention of hog cholera required to supply the demands under the provisions of this act, and to manufacture or purchase such quantity thereof as may be demanded or required. Provided, if it be determined that such serum or virus can be purchased more economically than it can be manufactured, that same be purchased from the lowest competitive bidder, taking into consideration the quality of the serum or virus to be purchased.

Section 4. The Department of Agriculture and Industries shall furnish, upon requisition, to the County Agents of the various counties of the State, from time to time, such quantities of anti-hog cholera serum and hog cholera virus as may be necessary to comply with the provisions of this act in the various counties of the State.

Section 5. The County Agents of the various counties of the State shall issue, without charge, permits to veterinarians and qualified laymen within their respective counties to inoculate hogs with the anti-hog cholera serum and hog cholera virus or any other recognized specific for the treatment or prevention of hog cholera, applied for and received under the provisions of this act, in order that the disease of hog cholera may be stamped out and the raising of hogs encouraged in the State of Alabama.

Section 6. Any person who shall obtain a delivery of any anti-hog cholera serum, hog cholera virus, or any other recognized specific for the treatment or prevention of hog cholera upon a false affidavit or statement, or who shall speculate in the sale and distribution of anti-hog cholera serum, hog cholera virus, or any other recognized specific for the treatment of hog cholera provided by the Department of Agriculture and Industries under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100) and may be sentenced to hard labor for a period of not more than six (6) months.

Section 7. There is hereby appropriated for the purpose of carrying out the provisions of this act, out of the monies in the Agricultural Fund as provided in the Agricultural Code of Alabama of 1927, as amended, for the fiscal year 1940-1941 the sum of Seventy-five Thousand Dollars (\$75,000), or such part thereof as may be necessary; and for each fiscal year thereafter the sum of Fifty Thousand Dollars (\$50,000), or so much thereof as may be necessary. The amounts herein appropriated out of said Agricultural Fund shall be a first charge against the monies accruing in said fund from the proceeds of the Fertilizer Tag Tax imposed by Section 151 of the Agricultural Code of Alabama of 1927. All monies accruing from the sale of anti-hog cholera serum and hog cholera virus under the provisions of this act shall be deposited in the State Treasury to the credit of the Department of Agriculture and Industries in a fund to be known as the Anti-Hog Cholera Fund, which shall be used as a revolving fund for the further manufacturing or purchase and distribution of anti-hog cholera serum and hog cholera virus under the provisions of this act.

Section 8. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 9. This act shall become effective on October 1, 1940.

And the substitute offered by Mr. Walden for the bill, H. 863, was adopted.

Yeas, 58; Nay, 1.

Yeas:

Mr. Speaker	Gewin	Matthews (Jackson)	Robinson (Lowndes)
Austin	Graham	Miller	Sadler
Barnes	Gwin	McDanal	Sanderson
Beck	Hall	McGowin	Sessions
Boswell	Hardwick	Neighbors	Sightler
Brown (Covington)	Hare	Newman	Stallings
Brown (Lee)	Haynes	Norman (Bullock)	Taylor
Carwile	Henson	Norman (Lowndes)	Tidmore
Castleberry	Hill (Lauderdale)	Owens	Walden
Chewning	Hill (Marion)	Payne	Waldrop
Davis (Madison)	Kaul	Petrey	Waller
Dobbs	Langley	Phillips	Welch
Dominick	Locke	Pool	White
Ellis	Martin	Robertson (Cullman)	Young
Garrett	Mathews (Clarke)		

—58

Nay: Mr. Stone.

— 1

And said bill:

H. 863. To provide for the manufacture or purchase and distribution of Anti-Hog Cholera Serum and Hog Cholera Virus for the suppression of Hog Cholera in the State of Alabama by the Department of Agriculture and Industries; the method of making

appropriation for the manufacture and purchase and distribution of Anti-Hog Cholera Serum.

As amended by the substitute offered by Mr. Walden, was read a third time at length and passed.

Yeas, 58; Nay, 1.

Yeas:

Mr. Speaker	Gewin	Matthews (Jackson)	Robinson (Lowndes)
Austin	Graham	Miller	Sadler
Barnes	Gwin	McDanal	Sanderson
Beck	Hall	McGowin	Sessions
Boswell	Hardwick	Neighbors	Sightler
Brown (Covington)	Hare	Newman	Stallings
Brown (Lee)	Haynes	Norman (Bullock)	Taylor
Carwile	Henson	Norman (Lowndes)	Tidmore
Castleberry	Hill (Lauderdale)	Owens	Walden
Chewning	Hill (Marion)	Payne	Waldrop
Davis (Madison)	Kaul	Petrey	Waller
Dobbs	Langley	Phillips	Welch
Dominick	Locke	Pool	White
Ellis	Martin	Robertson (Cullman)	Young
Garrett	Mathews (Clarke)		

—58

Nay: Mr. Stone.

— 1

On motion of Mr. Walden the bill, H. 863, was ordered sent forthwith to the Senate without engrossment.

H. 966. To Amend Schedule 160.4 of Section 348 of "An Act to provide for the General Revenue of the State of Alabama", approved July 10, 1935.

Was read a third time at length and passed.

Yeas, 54; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Martin	Sanderson
Austin	Garrett	Matthews (Jackson)	Segrest
Barchard	Gewin	Miller	Sessions
Beck	Golson	McDanal	Sherrer
Branyon	Graham	Nation	Stallings
Brown (Lee)	Gwin	Newman	Stone
Carwile	Hall	Norman (Bullock)	Taylor
Chewning	Hamilton	Norman (Lowndes)	Waldrop
Christopher	Haynes	Owens	Waller
Cook	Hill (Lauderdale)	Payne	Welch
Davis (Madison)	Hill (Marion)	Petrey	White
Delony	Inge	Pool	Wood
Dobbs	Kaul	Robinson (Lowndes)	Young
Dominick	Langley		

—54

On motion of Mr. Sessions the bill, H. 966, was ordered sent forthwith to the Senate without engrossment.

H. 593. To authorize and provide for the payment of the sum of \$250.00 for the relief of Jacob Laagar of Madison County, Alabama, who was permanently injured while employed by the State of Alabama in the line and scope of his employment.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Martin	Robinson (Lowndes)
Beck	Garrett	Mathews (Clarke)	Sanderson
Branyon	Gewin	Miller	Segrest
Brown (Lee)	Golson	McDanal	Sherrer
Carwile	Graham	Nation	Sightler
Castleberry	Hall	Neighbors	Stone
Chewning	Hamilton	Newman	Taylor
Christopher	Hardwick	Norman (Bullock)	Tidmore
Cook	Haynes	Norman (Lowndes)	Waldrop
Davis (Madison)	Henson	Owens	Waller
Dearman	Hill (Lauderdale)	Petrey	Welch
Delony	Hill (Marion)	Phillips	Wood
Dobbs	Inge	Pool	Young
Dominick	Langan	Robertson (Cullman)	

—55

On motion of Mr. Davis of Madison the bill, H. 593, was ordered sent forthwith to the Senate without engrossment.

H. 720. To provide for the discoloring of insecticides and poisons that resemble foodstuffs, and to fix a penalty for a violation of this provision, and to provide for the remitting of all fines, forfeitures, and penalties to the State Treasurer.

Was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Mathews (Clarke)	Sherrer
Barchard	Gewin	Mathews (Jackson)	Sightler
Beck	Golson	Miller	Stallings
Branyon	Graham	McDanal	Stone
Brown (Lee)	Green	Neighbors	Taylor
Carwile	Hall	Norman (Bullock)	Tidmore
Castleberry	Hare	Norman (Lowndes)	Toomer
Chewning	Haynes	Owens	Walden
Cook	Henson	Payne	Waldrop
Davis (Madison)	Hill (Lauderdale)	Petrey	Waller
Dearman	Hill (Marion)	Robinson (Lowndes)	Welch
Delony	Inge	Sanderson	White
Dobbs	Locke	Segrest	Wood
Dominick	Martin	Sessions	Young

—56

On motion of Mr. Hill of Marion, the bill, H. 720, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Hildreth:

S. 444. To require the county governing body of each county in which a circuit solicitor, deputy circuit solicitor, or an assistant deputy circuit solicitor resides, to provide such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, with adequate office space or rooms; and to provide that the State shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such offices and officers; and to make an appropriation therefor.

Also:

By Mr. Lusk:

S. 499—To adopt a Code of Laws for the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Appropriations, S. 444.

Judiciary, S. 499.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1044. To Place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

Also:

H. 834. To amend Section 7 of an Act entitled "An Act To Establish an Inferior Court in Precincts 2 and 33, in Jefferson County, Alabama, said precincts lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace, in said precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory. To define the jurisdiction and powers of the said court, the Judge, Clerks and other officers thereof; To define the jurisdiction thereof, provide for a place for holding said court, provide for the terms and salaries of said Judge, Clerks and officers of said court, the payment of their salaries and the manner of their appointment and election" to provide that said court shall be a court of record, and to provide a seal for said court and to authorize the Judge or Clerk to certify the records and proceedings of said court.

Also:

H. 486. To provide for the negotiability of security receipts and equipment trust certificates, as defined by this Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. McCall:

S. 515. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in all counties of the State now having or which shall hereafter have a population of not less than 100,000 nor more than 175,000 according to the last or any succeeding Federal Census to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

Also:

By Mr. Lusk:

S. 498. To provide for the distribution of the 1940 Code of Alabama, abridgments, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, No. 1, S. 515.

Judiciary, S. 498.

BILLS ON THIRD READING

H. 611. To provide for the issuing and summoning of witnesses before the Grand Jury by the Clerk of the Circuit Court and Sheriff in term time or vacation and to provide fees for such services and the method of payment:

Was read a third time at length and passed.

Yeas, 50; Nays, 5.

Yeas:

Mr. Speaker	Ellis	Locke	Sessions
Barnes	Gewin	Martin	Sightler
Beck	Golson	Mathews (Clarke)	Stallings
Branyon	Graham	Miller	Stone
Brown (Lee)	Gwin	Nation	Taylor
Carwile	Hall	Neighbors	Tidmore
Castleberry	Hardwick	Norman (Bullock)	Walden
Chewning	Hare	Owens	Waldrop
Christopher	Haynes	Petrey	Welch
Davis (Madison)	Henson	Phillips	Weston
Dearman	Hill (Lauderdale)	Sanderson	Wood
Dobbs	Hill (Marion)	Segrest	Young
Dominick	Inge		

—50

Nays:

Messrs.:	Brown (Covington)	Robinson (Lowndes)	Sherrer
Austin	Garrett		

— 5

On motion of Mr. Hardwick the bill, H. 611, was ordered sent forthwith to the Senate without engrossment.

H. 385. To appropriate out of any money in the State Treasury not otherwise now appropriated the sum of \$5,000 to place on the grounds of the building now being erected in Montgomery, Alabama, known as the Memorial Building, a monument dedicated to the memory of the Spanish-American War Veterans of Alabama, and World War Veterans of Alabama.

Was read a third time at length and passed.

Yeas, 58; Nays. 0.

Yeas:

Mr. Speaker	Dominick	Langan	Segrest
Barnes	Ellis	Locke	Sessions
Beck	Garrett	Martin	Sightler
Branyon	Gewin	Mathews (Clarke)	Stone
Brown (Covington)	Golson	Miller	Taylor
Brown (Lee)	Graham	Neighbors	Tidmore
Carwile	Gwin	Newman	Toomer
Castleberry	Hall	Norman (Lowndes)	Walden
Chewning	Hardwick	Owens	Waldrop
Christopher	Hare	Payne	Waller
Cook	Haynes	Phillips	Welch
Davis (Madison)	Henson	Pool	Weston
Dearman	Hill (Lauderdale)	Robinson (Lowndes)	Wood
Delony	Hill (Marion)	Sanderson	Young
Dobbs	Inge		

—58

On motion of Mr. Beck the bill, H. 385, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment.

By Mr. Simpson:

S. 195. To amend Schedule 129 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935 and found in the General Acts of 1935 at Page 256, et seq.

Also:

By Mr. Boyd:

S. 392. To provide when irregularities in the mode of administering oaths shall be no defense in prosecutions for perjury.

Also:

By Messrs. McCall, Weatherford and Simpson:

S. 506. To further regulate the employees in the service of the State of Alabama; to provide for the reemployment or restoration of status of such employees who have enlisted or served in any of the armed forces of the United States.

Also:

By Mr. Simpson:

S. 394. To amend Schedule 42 of Section 348 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Ways and Means, S. 195; S. 394.

Judiciary, S. 392; S. 506.

BILLS ON THIRD READING

H. 932. To further provide for the salary of the State Geologist, and to make provision for the payment thereof.

Was taken up. Mr. Mathews of Clarke offered the following amendment to the bill, H. 932:

"Amend H. 932 by striking the figures \$3600.00 and inserting in lieu thereof the figures \$5700.00".

On motion of Mr. Dominick the amendment offered by Mr. Mathews, of Clarke, was laid upon the table.

And said bill:

H. 932. To further provide for the salary of the State Geologist, and to make provision for the payment thereof.

Was read a third time at length and lost.

Yeas, 50; Nays, 3.

Yeas:

Mr. Speaker	Garrett	Martin	Segrest
Beck	Gewin	Mathews (Clarke)	Sessions
Branyon	Golson	Miller	Sherrer
Brown (Covington)	Graham	McDanal	Sightler
Brown (Lee)	Gwin	Nation	Stone
Carwile	Hare	Neighbors	Taylor
Chewning	Haynes	Newman	Tidmore
Cook	Henson	Norman (Lowndes)	Waldrop
Davis (Madison)	Hill (Lauderdale)	Owens	Welch
Dearman	Hill (Marion)	Payne	Weston
Delony	Inge	Phillips	White
Dominick	Langan	Sanderson	Young
Ellis	Locke		

—50

Nays: Messrs. Hall, Hardwick, Matthews of Jackson.

— 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment.

By Mr. Harris:

S. 414. To facilitate the cooperation of this State with other units of government and to establish an unpaid commission for that purpose; to make the necessary appropriations to effectively carry out the provisions of this Act; to repeal all laws and parts of laws in conflict with this Act; and to provide when it shall take effect.

J. E. Speight,
Secretary

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 414.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Welch all House bills on the Calendar of the House were indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Guy:

S. 427. To amend Section 1884 of the Code of Alabama, 1923.

Also:

By Mr. Calhoun:

S. 504. To authorize holders of corporate stock to execute deeds in the name of the dissolved corporation and as individuals holding stock therein.

Also:

By Mr. McCall:

S. 487. To amend Schedule 106 of Section 348 of Chapter 1 of Article XIII of an Act Entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, as amended by an Act Entitled "An Act to amend Schedule 106 of Section 348 of an Act Entitled "An Act to provide for the General Revenue of the State of Alabama", approved March 1, 1937.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Judiciary, S. 427; S. 504.

Ways and Means, S. 487.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:20 A. M. on June 25, 1940:

H. 392.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Golson, the House, in accordance with a House joint resolution heretofore adopted, adjourned until Thursday, June 27th, 1940, at 10 o'clock A.M.

FORTY-NINTH DAY

House of Representatives,
Montgomery, Alabama,
Thursday, June 27th, 1940.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Hill (Marion County) of the House.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Dobbs	Locke	Sanderson
Allen	Dominick	Lovelace	Scott
Austin	Doster	Martin	Segrest
Bagley	Ellis	Mathews (Clarke)	Sessions
Ball	Flowers	Matthews (Jackson)	Sherrer
Barchard	Garrett	Mayhall	Sightler
Barnes	Gewin	Miller	Smyer
Beck	Golson	McCord	Snyder
Booth	Graham	McDanal	Spence
Boswell	Graves	McGowin	Stallings
Branyon	Green	Nation	Stone
Brown (Covington)	Gwin	Neighbors	Taylor
Brown (Lee)	Hall	Newman	Tidmore
Carwile	Hamilton	Norman (Bullock)	Toomer
Castleberry	Hardwick	Norman (Lowndes)	Tucker
Chewning	Hare	Owens	Walden
Christopher	Haynes	Payne	Waldrop
Clayton	Henson	Petrey	Wallace
Cobb	Hill (Lauderdale)	Phillips	Waller
Collier	Hill (Marion)	Pool	Welch
Cook	Hodo	Quarles	Weston
Davis (Madison)	Inge	Robertson (Cullman)	Whigham
Davis (Montgomery)	Jenkins	Robinson (Lowndes)	White
Dearman	Kaul	Robinson (St. Clair)	Wood
Delony	Langan	Sadler	Young
Devers	Langley		

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A quorum was present.

LEAVE OF ABSENCE

Was granted to Mr. Cope on account of illness.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that we have examined the Journal of the House for the 48th legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley the reading at length of the Journal of the House for the 48th legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal of the 48th legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 486. To provide for the negotiability of security receipts and equipment trust certificates, as defined by this Act.

Also:

H. 834. To amend Section 7 of an Act entitled "An Act To Establish an Inferior Court in Precincts 2 and 33, in Jefferson County, Alabama, said precincts lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace, in said precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory. To define the jurisdiction and powers of the said court, the Judge, Clerks and other officers thereof; To define the jurisdiction thereof, provide for a place for holding said court, provide for the terms and salaries of said Judge, Clerks and officers of said court, the payment of their salaries and the manner of their appointment and election" to provide that said court shall be a court of record, and to provide a seal for said court and to authorize the Judge or Clerk to certify the records and proceedings of said court.

Also:

H. 976. To exempt moneys, credits, securities and other intangible personal property within the state and not employed in any business within the state from death taxation where intangible

property is legally or equitably owned by a nonresident domiciled in another state wherein such intangible property is subjected to death taxation.

Also:

H. 1044. To Place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 140. BE IT RESOLVED By the House of Representatives that the following bills, in the order named, be made special, paramount and continuing order of business for the 49th Legislative Day:

1. S. 72, page 1
2. S. 73, page 1
3. S. 74, page 2
4. S. 98, page 2
5. S. 364, page 17
6. S. 451, page 3
7. S. 358, page 3

8. S. 484, page 2
9. S. 302, page 21
10. S. 492, page 18
11. S. 306, page 24
12. S. 237, page 10
13. S. 312, page 17
14. S. 405, page 4
15. S. 406, page 4
16. S. 363, page 1
17. S. 212, page 5
18. S. 213, page 5
19. S. 216, page 6
20. S. 478, page 24
21. S. 494, page 22
22. S. 340, page 14
23. S. 292, page 4
24. S. 266, page 20
25. S. 374, page 20
26. S. 455, page 6
27. S. 118, page 10
28. S. 256, page 14
29. S. 148, page 4

And H. R. 140 was adopted.

RESOLUTION

By Mr. Dominick:

H. J. R. 141. BE IT RESOLVED By the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, July 2nd, 1940, at ten o'clock A.M.

On motion of Mr. Dominick the rules were suspended and the H. J. R. 141 was adopted.

By Mr. Mathews (Clarke):

H. J. R. 142. WHEREAS, it has come to the attention of the Alabama Legislature through the press of this State that efforts are being made to organize the employees of this State into a union, same to be affiliated with either the A. F. L. or the C. I. O., and

WHEREAS, the right to organize carries with it the right to strike which right, if exercised by the organization of State employees mentioned would result in chaos and take from the servants of this State elected by the people the right and power to

manage the State's affairs and transfer same to the officials of the A. F. L. and the C. I. O., and

WHEREAS, even the thought of such possibility is repugnant to every sense of democracy, therefore,

BE IT RESOLVED by this Legislature, the Senate concurring, that the effort to organize State employees supported by the taxpayers' money,—Jew, Catholic and Protestant alike is viewed with grave concern and disfavor by this Legislature.

BE IT FURTHER RESOLVED that copies of this resolution be given to the Governor of this State and to the press of this State in order that its citizenship may know that the spirit of Democracy still lives in this the first State on the alphabetical list of states of the Union—that spirit now threatened with extinction, both in America and throughout the world.

On motion of Mr. Mathews of Clarke the rules were suspended and the H. J. R. 142 was adopted.

Yeas, 65; Nays, 10.

Yeas:

Mr. Speaker	Golson	Mathews (Clarke)	Sightler
Austin	Graham	Matthews (Jackson)	Smyer
Bagley	Graves	Mayhall	Spence
Barnes	Green	Miller	Taylor
Beck	Hamilton	Nation	Tidmore
Boswell	Hardwick	Neighbors	Toomer
Brown (Covington)	Hare	Norman (Bullock)	Tucker
Carwile	Haynes	Norman (Lowndes)	Walden
Chewning	Hill (Lauderdale)	Payne	Waldrop
Christopher	Hodo	Petrey	Wallace
Cobb	Inge	Phillips	Waller
Collier	Kaul	Quarles	Welch
Cook	Langan	Robertson (Cullman)	Weston
Devers	Langley	Robinson (Lowndes)	White
Dobbs	Locke	Segrest	Wood
Flowers	Martin	Sherrer	Young
Garrett			

—65

Nays:

Messrs.:	Castleberry	Hill (Marion)	Owens
Allen	Dominick	McCord	Scott
Branyon	Ellis	McDanal	

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BILLS ON SECOND READING

Mr. Delony, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 414. To facilitate the cooperation of this State with other units of government and to establish an unpaid commission for that purpose; to make the necessary appropriations to effectively carry out the provisions of this Act; to repeal all laws and parts of laws in conflict with this Act; and to provide when it shall take effect.

S. 444. To require the county governing body of each county in which a circuit solicitor, deputy circuit solicitor, or an assistant deputy circuit solicitor resides, to provide such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, with adequate office space or rooms; and to provide that the State shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such offices and officers; and to make an appropriation therefor.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 392. To provide when irregularities in the mode of administering oaths shall be no defense in prosecutions for perjury.

S. 427. To amend Section 1884 of the Code of Alabama, 1923.

S. 498. To provide for the distribution of the 1940 Code of Alabama, abridgements, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

S. 504. To authorize holders of corporate stock to execute deeds in the name of the dissolved corporation and as individuals holding stock therein.

S. 506. To further regulate the employees in the service of the State of Alabama; to provide for the reemployment or restoration of status of such employees who have enlisted or served in any of the armed forces of the United States.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

With Amendment:

S. 499. To adopt a Code of Laws for the State of Alabama.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 515. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in all counties of the State now having or which shall hereafter have a population of not less than 100,000 nor more than 175,000 according to the last or any succeeding Federal Census to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

S. 516. To provide for the election of a County Superintendent of Education of Marengo County, Alabama by the qualified electors thereof, and to prescribe the duties and fix the term and compensation of such officer, and for the repeal of all laws local or general in conflict with the provisions of this act.

Mr. Dominick, Vice-Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation.

Without recommendation:

S. 195. To amend Schedule 129 of an Act entitled "An Act to provide for the general revenue of the State of Alabama" approved July 10, 1935 and found in the general acts of 1935 at page 256, et seq.

Without recommendation:

S. 394. To amend Schedule 42 of Section 348 of an Act entitled "An Act to provide for the general revenue of the State of Alabama", approved July 10, 1935.

Without recommendation:

S. 487. To amend Schedule 106 of Section 348 of Chapter 1 of Article XIII of an Act Entitled "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, as amended by an Act Entitled "An Act to amend Schedule 106 of Section 348 of an Act Entitled "An Act to provide for the General Revenue of the State of Alabama", approved March 1, 1937.

The above and foregoing bills were severally read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bill and returns same herewith to the House.

H. 922. To authorize the Treasurer of the State of Alabama to pay certain monies to the Department of Industrial Relations, for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compensation Act of Alabama and the program of factory and industrial plant inspection for the safety of employees.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo the House concurred in and adopted the Senate Amendment to the bill, H. 922, said Senate amendment being as follows:

Substitute for H. 922:

A BILL

To be entitled An Act to make an appropriation out of the State Treasury to the Department of Industrial Relations for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compensation Act of Alabama and the program of factory and industrial plant inspection for the safety of employees and the prevention of accidents.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby appropriated to the Department of Industrial Relations out of any funds in the State Treasury not otherwise appropriated for each of the fiscal years ending, respectively, September 30, 1940, September 30, 1941, September 30, 1942, and September 30, 1943, the sum of Fifteen Thousand and no/100 (\$15,000) Dollars, which shall be used for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compensation Act of Alabama, and the program of factory and industrial plant inspection for the safety of employees and the prevention of accidents, it being one of the purposes of this program to reduce com-

pensable accidents in Alabama, thereby reducing Workmen's Compensation Insurance rates in this State.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Golson	Martin	Smyer
Allen	Graham	Matthews (Jackson)	Snyder
Austin	Graves	Mayhall	Spence
Bagley	Gwin	Miller	Stallings
Barnes	Hall	McCord	Taylor
Beck	Hamilton	McDanal	Tidmore
Boswell	Hare	Nation	Toomer
Branyon	Henson	Neighbors	Tucker
Chewning	Hill (Lauderdale)	Owens	Waldrop
Collier	Hill (Marion)	Petrey	Wallace
Cook	Hodo	Pool	Waller
Delony	Inge	Robertson (Cullman)	Welch
Devers	Kaul	Scott	Whigham
Dobbs	Langan	Segrest	White
Dominick	Langley	Sessions	Wood
Ellis	Locke	Sightler	Young
Garrett			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate joint resolution, your signature thereto is requested.

S. J. R. 160. Requesting the Governor to appoint a committee to review the progress of the experience rating program adopted under the Unemployment Compensation Law.

J. E. Speight,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution, H. J. R. 141, and returns same herewith to the House:

H. J. R. 141. Relative to adjournment of the two Houses until Tuesday, July 2, 1940 at ten A. M.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House to return the bill:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

And said bill is herewith returned to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House reconsidered the vote by which the House non-concurred in the Senate amendment to the bill, H. 703.

On motion of Mr. Delony the House non-concurred in the Senate Amendment to the bill, H. 703, and a Committee of Conference on the disagreement of the two Houses on the Senate Amendment to the bill, H. 703, was requested. The Speaker named as the Committee of Conference on the part of the House: Messrs. Delony, Welch and Carwile.

BILLS ON THIRD READING

S. 72. To limit the rentals of housing accommodations in projects of housing authorities and to make such projects available only to persons of low income.

Was read a third time at length and passed.

Yeas, 56; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Lovelace	Robertson (Cullman)
Allen	Ellis	Martin	Robinson (Lowndes)
Austin	Flowers	Matthews (Jackson)	Sanderson
Bagley	Garrett	Mayhall	Sightler
Barnes	Golson	Miller	Spence
Beck	Hall	McCord	Taylor
Boswell	Hamilton	Neighbors	Tidmore
Brown (Covington)	Haynes	Norman (Bullock)	Toomer
Chewning	Hill (Lauderdale)	Norman (Lowndes)	Tucker
Christopher	Hill (Marion)	Owens	Walden
Cobb	Inge	Payne	Wallace
Cook	Kaul	Petrey	Waller
Devers	Langley	Phillips	Weston
Dobbs	Locke	Pool	Young

—56

S. 73. To declare valid and legal the creation and establishment of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

Was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Mr. Speaker	Golson	Mayhall	Sightler
Allen	Graves	Miller	Spence
Bagley	Gwin	McCord	Stallings
Barnes	Hall	McDanal	Taylor
Beck	Hamilton	Nation	Tidmore
Chewning	Haynes	Neighbors	Toomer
Christopher	Hill (Lauderdale)	Norman (Bullock)	Tucker
Cobb	Hill (Marion)	Norman (Lowndes)	Walden
Collier	Hodo	Owens	Waldrop
Delony	Kaul	Payne	Wallace
Devers	Langley	Petrey	Waller
Dobbs	Locke	Phillips	Welch
Dominick	Lovelace	Robertson (Cullman)	Weston
Ellis	Martin	Robinson (Lowndes)	Young
Flowers	Matthews (Jackson)		

—58

Nay: Mr. Smyer.

— 1

S. 74. To amend the title and Section 3 of, and to repeal Section 4 of, and to add Section 7 to an Act entitled "An Act to authorize any cities located within the boundaries of housing authorities, the State, its subdivisions and agencies to cooperate with housing authorities and the United States of America by rendering services, conveying or leasing property and providing for streets and roads; and to authorize corporate agencies of the United States and corporations receiving aid from the United States to exercise

the power of eminent domain to acquire property for housing projects," approved February 7, 1935.

Was taken up. Mr. Smyer offered the following amendment to the bill, S. 74:

Amend S. B. 74 by adding after sec. 7 the following:

That on and after the approval of this act that all contracts with any Federal Agency shall contain a provision that the property acquired or improved by any Housing Authority shall be subject to ad valorem taxation as other privately owned real property.

On motion of Mr. Ellis the amendment offered by Mr. Smyer was laid on the table.

Yeas, 48; Nays, 10.

Yeas:

Mr. Speaker	Dominick	Martin	Pool
Bagley	Ellis	Matthews (Jackson)	Robertson (Cullman)
Barnes	Flowers	Mayhall	Robinson (Lowndes)
Beck	Garrett	Miller	Segrest
Carwile	Graves	McCord	Sightler
Castleberry	Gwin	McDanal	Spence
Chewning	Hall	Nation	Tidmore
Christopher	Hamilton	Neighbors	Waldrop
Cook	Haynes	Norman (Lowndes)	Weston
Davis (Madison)	Hill (Lauderdale)	Owens	White
Delony	Hill (Marion)	Fayne	Wood
Devers	Langley	Petrey	Young

—48

Nays:

Messrs.:	Golson	Kaul	Taylor
Allen	Green	Locke	Wallace
Dobbs	Hodo	Smyer	

—10

And said bill:

S. 74. To amend the title and Section 3 of, and to repeal Section 4 of, and to add Section 7 to an Act entitled "An Act to authorize any cities located within the boundaries of housing authorities, the State, its subdivisions and agencies to cooperate with housing authorities and the United States of America by rendering services, conveying or leasing property and providing for streets and roads; and to authorize corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects," approved February 7, 1935.

Was read a third time at length and passed.

Yeas, 61; Nays, 1.

Yeas:

Mr. Speaker	Ellis	Mayhall	Spence
Allen	Graham	Miller	Stallings
Austin	Gwin	McCord	Taylor
Bagley	Hall	McDanal	Tidmore
Beck	Hamilton	Nation	Toomer
Boswell	Haynes	Neighbors	Tucker
Brown (Covington)	Hill (Lauderdale)	Norman (Bullock)	Walden
Castleberry	Hill (Marion)	Owens	Waldrop
Chewning	Hodo	Payne	Wallace
Christopher	Inge	Petrey	Waller
Cook	Kaul	Pool	Welch
Davis (Madison)	Langley	Robertson (Cullman)	Weston
Delony	Locke	Robinson (Lowndes)	White
Devers	Martin	Segrest	Wood
Dobbs	Matthews (Jackson)	Sherrer	Young
Dominick			

—61

Nay: Mr. Collier.

— 1

S. 98. To provide for financial assistance by cities and towns to housing authorities created by them and for reimbursements by housing authorities to such cities and towns.

Was read a third time at length and passed.

Yeas, 53; Nays, 3.

Yeas:

Mr. Speaker	Delony	Locke	Phillips
Allen	Devers	Lovelace	Robertson (Cullman)
Austin	Dobbs	Martin	Segrest
Bagley	Ellis	Matthews (Jackson)	Sightler
Barnes	Golson	Mayhall	Spence
Beck	Graham	Miller	Stallings
Brown (Covington)	Hall	McCord	Tidmore
Carwile	Hamilton	McDanal	Tucker
Castleberry	Haynes	Nation	Walden
Chewning	Hill (Lauderdale)	Neighbors	Waldrop
Christopher	Hill (Marion)	Norman (Lowndes)	White
Cobb	Hodo	Payne	Wood
Collier	Inge	Petrey	Young
Davis (Madison)			

—53

Nays: Messrs.: Kaul, Sessions, Smyer.

— 3

S. 451. To amend Section 3 of an Act entitled "An Act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the

purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms 'dealer' and 'vendor', and to provide penalties for the violation of the provisions of this Act," approved March 2, 1937.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Locke	Quarles
Allen	Ellis	Lovelace	Robertson (Cullman)
Austin	Garrett	Martin	Scott
Barnes	Golson	Matthews (Jackson)	Segrest
Beck	Gwin	Mayhall	Sessions
Brown (Covington)	Hall	Miller	Spence
Carwile	Hamilton	McDanal	Taylor
Chewning	Hardwick	Nation	Toomer
Christopher	Haynes	Neighbors	Tucker
Cobb	Hill (Lauderdale)	Norman (Bullock)	Waldrop
Collier	Hill (Marion)	Norman (Lowndes)	White
Cook	Inge	Owens	Wood
Davis (Madison)	Langan	Payne	Young
Dobbs	Langley	Petrey	

—55

S. 358. To regulate and prohibit the unlawful wearing of Uniforms of Foreign Governments, in the State of Alabama, and prescribing a penalty for the violation of this Act.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Locke	Robertson (Cullman)
Allen	Ellis	Lovelace	Sadler
Austin	Flowers	Martin	Scott
Bagley	Golson	Mathews (Clarke)	Sessions
Barnes	Graham	Matthews (Jackson)	Sightler
Beck	Gwin	Mayhall	Spence
Brown (Covington)	Hall	Miller	Stallings
Carwile	Hamilton	McCord	Taylor
Castleberry	Hardwick	McDanal	Tidmore
Chewning	Hare	Nation	Toomer
Christopher	Haynes	Neighbors	Tucker
Cobb	Hill (Lauderdale)	Norman (Bullock)	Wallace
Collier	Hill (Marion)	Norman (Lowndes)	Waller
Cook	Inge	Owens	Whigham
Davis (Madison)	Kaul	Payne	White
Delony	Langan	Phillips	Wood
Devers	Langley	Quarles	Young
Dobbs			

—69

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Ala-

bama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Mr. Hare offered the following amendment to the bill, S. 484:

Amendment to Senate Bill 484, By Mr. Hare:

Amend Senate Bill No. 484 by adding at the end of Section 12 the following: Provided however that any fees or charges that may be imposed for the purpose of carrying out the provisions of this act must not be of an amount greater than necessary to cover actual cost of issuing certificates, said fees so levied shall be paid to the Department of Agriculture of the State of Alabama, to be used for the purpose of this Act.

And the amendment offered by Mr. Hare to the bill, S. 484, was adopted.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Langley	Quarles
Allen	Flowers	Lovlace	Robertson (Cullman)
Austin	Garrett	Martin	Scott
Barnes	Golson	Mathews (Clarke)	Sherrer
Beck	Gwin	Matthews (Jackson)	Spence
Brown (Covington)	Hall	Mayhall	Stallings
Brown (Lee)	Hamilton	Miller	Tidmore
Carwile	Hardwick	McCord	Toomer
Chewning	Hare	McDanal	Tucker
Christopher	Haynes	Nation	Waldrop
Collier	Hill (Lauderdale)	Neighbors	Wallace
Cook	Hill (Marion)	Norman (Bullock)	Welch
Davis (Madison)	Hodo	Owens	Whigham
Delony	Inge	Payne	White
Devers	Kaul	Petrey	Wood
Dominick	Langan	Pool	Young

—64

And said bill:

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility

therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

As amended by the amendment offered by Mr. Hare.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Langley	Quarles
Allen	Flowers	Lovelace	Robertson (Cullman)
Austin	Garrett	Martin	Scott
Barnes	Golson	Mathews (Clarke)	Sherrer
Beck	Gwin	Mathews (Jackson)	Spence
Brown (Covington)	Hall	Mayhall	Stallings
Brown (Lee)	Hamilton	Miller	Tidmore
Carwile	Hardwick	McCord	Toomer
Chewning	Hare	McDanal	Tucker
Christopher	Haynes	Nation	Waldrop
Collier	Hill (Lauderdale)	Neighbors	Wallace
Cook	Hill (Marion)	Norman (Bullock)	Welch
Davis (Madison)	Hodo	Owens	Whigham
Delony	Inge	Payne	White
Devers	Kaul	Petrey	Wood
Dominick	Langan	Pool	Young

—64

S. 302. To appropriate moneys for the retirement of the public debt of the State of Alabama, including moneys for sinking funds on outstanding highway bonds, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the principal on Harbor Improvement Bonds as they severally mature, for each of the fiscal years ending, respectively, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943.

Was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Hall	Locke
Allen	Cook	Hamilton	Martin
Austin	Davis (Madison)	Hardwick	Mathews (Clarke)
Bagley	Delony	Hare	Mathews (Jackson)
Barnes	Dobbs	Henson	Mayhall
Beck	Dominick	Hill (Lauderdale)	McCord
Brown (Covington)	Ellis	Hill (Marion)	McDanal
Brown (Lee)	Golson	Hodo	Nation
Carwile	Graham	Kaul	Neighbors
Chewning	Green	Langan	Norman (Bullock)
Christopher	Gwin	Langley	Norman (Lowndes)

Owens	Sadler	Snyder	Waldrop
Payne	Scott	Spence	Waller
Phillips	Segrest	Stallings	Welch
Pool	Sherrer	Tidmore	Whigham
Quarles	Sightler	Toomer	White
Robertson (Cullman)	Smyer	Tucker	Wood

—68

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the House :

H. 985. To amend an act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission." Approved: January 8, 1937.

Also :

H. 1042. To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

Also :

H. 1048. To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

Also :

H. 978. For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chilton, State of Alabama.

Also :

H. 478. To amend Schedule 16 of Article XIII, Chapter I of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Also :

H. 479. To amend Schedule 20 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 492. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this Act," approved August 25, 1939.

Was read a third time at length and passed.

Yeas, 63; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Scott
Allen	Dominick	Mayhall	Segrest
Austin	Ellis	Miller	Sightler
Bagley	Garrett	McCord	Smyer
Barnes	Golson	McDanal	Spence
Beck	Graham	Nation	Stallings
Brown (Lee)	Hall	Neighbors	Taylor
Carwile	Hamilton	Norman (Bullock)	Tidmore
Castleberry	Hardwick	Norman (Lowndes)	Tucker
Chewning	Haynes	Owens	Walden
Christopher	Hill (Lauderdale)	Payne	Waldrop
Collier	Hill (Marion)	Petrey	Waller
Cook	Langan	Phillips	Welch
Davis (Madison)	Langley	Quarles	Wood
Delony	Lovelace	Robertson (Cullman)	Young
Devers	Martin	Sadler	

—63

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

Was taken up. Mr. Waldrop offered the following amendment to the bill, S. 364:

Amendment to S. 364, By Mr. Waldrop.

Amend S. B. 364 by adding thereto, immediately following Section 13, Sections 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, and 13.8, to read, respectively, as follows:

"Section 13.1. The Oil and Gas Supervisor, with the concurrence of the Board, shall have the authority, and it shall be his duty, to employ all necessary personnel to carry out the provisions of this act. Such personnel shall be employed under, and subject to, the provisions of the Merit System Act.

"Section 13.2. For the purpose of defraying the expenses connected with the administration and enforcement of this act, including the expenses of the inspections, tests, analyses and all other expenses connected with the supervision and protection of crude petroleum oil and natural gas in the State of Alabama, a charge

of two per cent (2%) of the gross casinghead value of the crude petroleum oil or natural gas produced and sold from any well or wells in the State of Alabama shall be paid to the Department of Revenue, as herein provided.

"Section 13.3. It shall be the duty of every person producing and selling crude petroleum oil or natural gas from any well or wells in the State of Alabama to keep and preserve such suitable records, of the amount of all such crude petroleum oil or natural gas produced and sold, as may be necessary to determine the amount of the charge for which he is liable under the provisions of this act. It shall be the further duty of every such person to file with the Department of Revenue, not later than the tenth day of each month, a return, verified by oath, showing the amount of crude petroleum oil or natural gas produced and sold during the preceding month, and to compute the amount of the tax charged against him in accordance with the provisions of this act, and to transmit to the office of the Department of Revenue with such return a remittance in the form required by the Department of Revenue, covering the tax chargeable against him. The return shall contain such other information and shall be in such form as the Department of Revenue shall designate.

"Section 13.4. In the event that any collection of charges is improperly made in an effort to enforce the provisions of this act, either as a result of a mistake of law or fact, the amount so paid may be recovered in the same manner as is provided by law for the recovery of taxes erroneously paid directly to the Department of Revenue.

"Section 13.5. Any person who fails to pay the charge herein levied within the time required by this act, shall pay, in addition to such charge, a penalty of ten per cent (10%) of the amount of the charge due, together with interest thereon at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or fraction thereof, from the date at which the charge herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the charge itself.

"Section 13.6. Any person who fails to make the returns herein required shall be given written notice by the Department of Revenue, by registered mail, to make such returns forthwith, and if such person fails or refuses to make such return or returns within thirty days from the date of such notice, then the Department of Revenue shall make the returns for such person upon such information as it may reasonably obtain, and shall assess the charges due thereon, and shall add a penalty, for failure to make such return and payment, of twenty-five per cent (25%) of the charge due as assessed by the Department of Revenue, and interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or frac-

tion thereof, from the date such charges were due. Provided, that the Department of Revenue, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five per cent (25%) penalty, or a portion thereof.

"Section 13.7. The charge herein imposed, together with all interest and penalties imposed by this act, shall be a lien upon the property of any person subject to the provisions of this act, and the provisions of the Revenue Laws of the State of Alabama applying to liens for license taxes shall apply fully to the charges herein imposed. Such charges, together with interest and penalties, shall constitute a debt due the State of Alabama and may be collected by civil suit, in addition to the methods herein provided.

"Section 13.8. All moneys so collected shall be paid into the State Treasury and there kept separate from other State funds in a fund to be known as the 'Oil and Gas Fund'. Such 'Oil and Gas Fund' shall be expended by the Oil and Gas Supervisor, with the approval of the Governor, only for effectuating the purpose of this act."

And the amendment offered by Mr. Waldrop to the bill, S. 364, was adopted.

Yeas, 53; Nays, 3.

Yeas:

Mr. Speaker	Flowers	Matthews (Jackson)	Smyer
Austin	Garrett	Mayhall	Spence
Bagley	Golson	Miller	Stallings
Barnes	Graves	Nation	Taylor
Beck	Hall	Neighbors	Tidmore
Brown (Covington)	Hamilton	Norman (Lowndes)	Toomer
Brown (Lee)	Hardwick	Owens	Tucker
Carwile	Hare	Payne	Waldrop
Chewning	Haynes	Robertson (Cullman)	Wallace
Cobb	Hill (Marion)	Robinson (Lowndes)	Waller
Cook	Inge	Sadler	Weston
Davis (Madison)	Kaul	Scott	Wood
Devers	Langley	Segrest	Young
Dominick			

—53

Nays: Messrs.: Graham, Langan, McCord.

— 3

And said bill:

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087,

5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

As amended by the amendment offered by Mr. Waldrop, was read a third time at length and passed.

Yeas, 53; Nays, 3.

Yeas:

Mr. Speaker	Flowers	Matthews (Jackson)	Smyer
Austin	Garrett	Mayhall	Spence
Bagley	Golson	Miller	Stallings
Barnes	Graves	Nation	Taylor
Beck	Hall	Neighbors	Tidmore
Brown (Covington)	Hamilton	Norman (Lowndes)	Toomer
Brown (Lee)	Hardwick	Owens	Tucker
Carwile	Hare	Payne	Waldrop
Chewning	Haynes	Robertson (Cullman)	Wallace
Cobb	Hill (Marion)	Robinson (Lowndes)	Waller
Cook	Inge	Sadler	Weston
Davis (Madison)	Kaul	Scott	Wood
Devers	Langley	Segrest	Young
Dominick			

—53

Nays: Messrs.: Graham, Langan, McCord.

— 3

S. 505. To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in the sum of \$2000.00 payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Devers	Martin	Spence
Austin	Gewin	Mayhall	Stone
Barnes	Golson	Miller	Taylor
Beck	Graham	Nation	Tidmore
Booth	Graves	Neighbors	Toomer
Boswell	Green	Newman	Tucker
Branyon	Gwin	Owens	Walden
Carwile	Hall	Payne	Waldrop
Castleberry	Hamilton	Petrey	Wallace
Chewning	Hardwick	Phillips	Waller
Christopher	Hare	Pool	Welch
Clayton	Haynes	Quarles	Weston
Cobb	Henson	Robertson (Cullman)	Whigham
Collier	Kaul	Sightler	White
Cook	Langan	Smyer	Wood
Dearman	Langley	Snyder	Young
Delony			

—65

S. 503. To define, regulate, and license barbers and barber shops in Marshall County, Alabama, and to create a Barbers Commission for said County, and to provide a penalty for the violation of the provisions hereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Jenkins	Phillips
Allen	Flowers	Kaul	Segrest
Austin	Garrett	Langan	Sessions
Barnes	Gewin	Langley	Sherrer
Beck	Golson	Locke	Sightler
Booth	Graham	Mayhall	Smyer
Cobb	Graves	Miller	Snyder
Collier	Green	McCord	Spence
Cook	Gwin	McDaniel	Taylor
Davis (Madison)	Hall	McGowin	Toomer
Davis (Montgomery)	Hamilton	Nation	Tucker
Dearman	Hardwick	Neighbors	Walden
Delony	Hare	Newman	Waldrop
Devers	Haynes	Owens	Wallace
Dobbs	Henson	Payne	Waller
Dominick	Inge	Petrey	Wood
Doster			

—65

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama,

Was taken up. Mr. Devers offered the following amendment to the bill, S. 379:

Amendment to Senate Bill 379, By Mr. Devers.

Amend S. 379 by striking therefrom Section 42 as the same now appears therein and inserting in lieu thereof Section 42 to read as follows:

Section 42. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law, except that the court herein created shall not begin to function as herein provided until the second Tuesday after the

first Monday in January in the year 1941, and no person shall assume the office of judge of said court until such date.

And the amendment offered by Mr. Devers to the bill, S. 379, was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Miller	Stallings
Allen	Flowers	McCord	Stone
Barnes	Gewin	Nation	Taylor
Beck	Golson	Neighbors	Tidmore
Booth	Graham	Newman	Toomer
Boswell	Graves	Owens	Tucker
Chewning	Green	Payne	Walden
Christopher	Gwin	Petrey	Waldrop
Clayton	Hall	Phillips	Wallace
Cobb	Jenkins	Sadler	Waller
Collier	Kaul	Sessions	Welch
Cook	Locke	Sherrer	Weston
Dearman	Lovelace	Sightler	Whigham
Delony	Martin	Smyer	White
Devers	Mathews (Clarke)	Snyder	Wood
Dobbs	Matthews (Jackson)	Spence	Young
Doster			

—65

And said bill:

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama,

As amended by the amendment offered by Mr. Devers, was read a third time at length and passed.

Yeas, 64; Nays, 1.

Yeas:

Mr. Speaker	Chewning	Delony	Gwin
Allen	Christopher	Devers	Hall
Austin	Clayton	Dobbs	Kaul
Bagley	Cobb	Gewin	Langley
Ball	Collier	Golson	Locke
Booth	Cook	Graham	Lovelace
Boswell	Davis (Madison)	Graves	Martin
Branyon	Dearman	Green	Mathews (Clarke)

Mayhall	Owens	Segrest	Stone
Miller	Payne	Sessions	Taylor
McCord	Petrey	Sherrer	Welch
McDanal	Phillips	Sightler	Weston
McGowin	Pool	Smyer	Whigham
Nation	Quarles	Snyder	White
Neighbors	Sanderson	Spence	Wood
Newman	Scott	Stallings	Young

—64

Nay: Mr. Matthews of Jackson.

— 1

S. 416. To authorize the Board of Revenue and Control of Morgan County, Alabama, to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while performing the duties of deputy sheriff.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Inge	Snyder
Allen	Delony	Jenkins	Spence
Austin	Devers	Kaul	Stallings
Ball	Gewin	Langan	Stone
Barnes	Golson	Lovelace	Taylor
Beck	Graham	Martin	Tidmore
Booth	Graves	Miller	Toomer
Boswell	Green	Nation	Tucker
Branyon	Gwin	Neighbors	Walden
Carwile	Hall	Newman	Waldrop
Castleberry	Hamilton	Owens	Wallace
Chewning	Hardwick	Payne	Waller
Christopher	Hare	Petrey	Welch
Clayton	Haynes	Phillips	White
Cobb	Henson	Sightler	Wood
Collier	Hodo	Smyer	Young
Cook			

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 803. To amend Section 4622 of the Code of Alabama, 1923.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. Hardwick the House recessed until three o'clock this afternoon.

AFTERNOON SESSION

The hour of three o'clock P. M. having arrived the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bills and returns same herewith to the House:

H. 938. To amend Sections 9426 and 9427 of the Code of Alabama.

Also:

H. 644. To protect the users of liquified petroleum gases and to provide regulations for the sale of said gases for domestic and industrial use and to provide for posting of bonds with the Superintendent of Insurance and to provide specifications for installation of tanks for the use of said gases to consumers and to provide for penalties for violation of this Act, and to regulate the use and installation of said gases generally.

Also:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch the House concurred in and adopted the Senate amendment to the bill, H. 938, said Senate amendment being as follows:

Substitute for H. 938:

A BILL

To be entitled An Act to amend Sections 9426 and 9427 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. Sections 9426 and 9427 of the Code of Alabama be and the same are hereby amended to read as follows:

"Section 9426. SERVICE ON DESIGNATED AGENT OF FOREIGN CORPORATIONS: PROOF OF AGENCY.—When a foreign corporation has filed an instrument in writing designating one or more agents in this State as provided by this Code, process, pleadings or papers issuing against such foreign corporation, other than in equity, may be served upon any agent, so designated; and the certificate of the Secretary of State or of the Auditor, as the case may be, showing such designation, is evidence of the fact of such agency. In the event such foreign corporation withdraws from this State and ceases to transact business herein, it shall continue to keep and maintain such agent within this State upon whom service of process, pleadings or papers may be made, until the statutes of limitations shall have run against the bringing of the action against said corporation. If the agent designated by such foreign corporation shall die, resign, remove from the state, or his authority shall cease from any cause, and no other agent shall be designated by such foreign corporation, or said corporation shall revoke or fail to maintain in effect the authority of its designated agent after its withdrawal from this State and prior to the time when the statutes of limitations would have run against the causes of action so accruing against it, then in that event such corporation shall by a duly executed instrument filed in the office of the Secretary of State, constitute and appoint the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and therein shall agree that all such process, pleadings or papers which may be served upon its said attorney, shall be of the same force and validity as if served upon the said corporation, and the authority thereof shall continue in force irrevocably until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. In the event such corporation shall fail to so constitute and appoint the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and no other such agent shall have been so designated by such corporation for such purpose, then such corporation shall be deemed to have consented to the Secretary of State being its true and lawful attorney,

upon whom all such process, pleadings or papers may be served, until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. The Secretary of State must immediately transmit by registered mail, return receipt requested, to such foreign corporation at its home office, a copy of such process, pleadings or papers served upon him, retaining the copy of such process, pleadings or papers served upon him along with the return receipt as part of the permanent records of his office.

"Section 9427. SERVICE OF PROCESS ON CORPORATION NOT QUALIFIED TO DO BUSINESS IN THE STATE.—Wherever a foreign corporation has carried on or transacted business in this State without qualifying to do business herein as is provided by the constitution and statutes of this State and there is no other agent and process, pleadings or papers cannot be served on such foreign corporation as is provided in the preceding section, then any legal process, pleadings or papers, other than in equity, concerning causes of action arising out of or as consequence of acts or business done in this State, may be served upon any agent or servant of such foreign corporation who has made contracts for the corporation or did the act which constituted the doing of business in this State; in the event process, pleadings or papers, cannot be served on either of the above named, then such corporation shall by a duly executed instrument filed in the office of the Secretary of State, constitute and appoint the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and therein shall agree that all such process, pleadings or papers which may be served upon its said attorney, shall be of the same force and validity as if served upon the said corporation, and the authority thereof shall continue in force irrevocably until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. In the event such corporation shall fail to so constitute and appoint the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and no other such agent shall have been so designated by such corporation for such purpose, then such corporation shall be deemed to have consented to the Secretary of State being its true and lawful attorney, upon whom all such process, pleadings or papers may be served, until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. The Secretary of State must immediately transmit by registered

mail, return receipt requested, to such foreign corporation at its home office, a copy of such process, pleadings or papers served upon him, retaining the copy of such process, pleadings or papers served upon him along with the return receipt as part of the permanent records of his office. This section, however, shall not be exclusive of any other mode of service of process, pleadings or papers in the cases herein provided for."

Section 2. All laws, or parts of laws inconsistent with or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby expressly repealed.

Section 3. This Act shall become effective upon its enactment into law.

Yeas, 60; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Ellis	Lovellace	Sightler
Allen	Garrett	Martin	Smyer
Austin	Golson	Matthews (Jackson)	Snyder
Bagley	Graham	Mavhall	Stallings
Barnes	Green	Miller	Stone
Brown (Covington)	Gwin	McDanal	Taylor
Carwile	Hall	Nation	Tidmore
Castleberry	Hamilton	Neighbors	Tucker
Christopher	Hardwick	Norman (Bullock)	Walden
Collier	Havnes	Owens	Wallace
Dearman	Hill (Lauderdale)	Petrey	Welch
Devers	Hill (Marion)	Phillips	Weston
Dobbs	Hodo	Robertson (Cullman)	White
Dominick	Inge	Sadler	Wood
Doster	Langley	Sanderson	Young

—60

On motion of Mr. White the House concurred in and adopted the Senate Amendment to the bill, H. 644, said Senate Amendment being as follows:

Amend House Bill 644 as follows:

(1) By striking from Section 1 thereof the following words and figures:

"the regulations and specifications, and in the manner as specified, under the published regulations of the National Board of Fire Underwriters set out in their pamphlet number 58 effective July 1st, 1937, and amendments or revisions thereto."

And by inserting in lieu thereof the following:

"such rules, regulations, and specifications as may be prescribed and promulgated by the Superintendent of Insurance as State Fire Marshal Ex Officio for the safety of the public and the users of such gases."

(2) By striking from Section II thereof the following words:

"is of the opinion that the applicant is a suitable person to engage in the business of selling liquified petroleum gases,".

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Lovelace	Sanderson
Allen	Garrett	Martin	Segrest
Austin	Golson	Matthews (Jackson)	Snyder
Bagley	Graham	Mayhall	Snyder
Barnes	Green	Miller	Spence
Brown (Covington)	Gwin	McCord	Stallings
Carwile	Hall	McDanal	Stone
Castleberry	Hamilton	Nation	Tidmore
Chewning	Hardwick	Neighbors	Tucker
Christopher	Haynes	Norman (Bullock)	Walden
Cobb	Henson	Norman (Lowndes)	Waldrop
Collier	Hill (Lauderdale)	Owens	Welch
Davis (Madison)	Hodo	Payne	Weston
Dearman	Inge	Petrey	Whigham
Delony	Kaul	Robertson (Cullman)	White
Devers	Langan	Robinson (Lowndes)	Wood
Dobbs	Langley	Sadler	Young
Dominick			

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Mr. Hodo moved to concur in the Senate amendment to the bill, H. 673. On motion of Mr. Hardwick the motion of Mr. Hodo was laid upon the table.

On motion of Mr. Hardwick the House non-concurred in the Senate amendment to the bill, H. 673, said Senate amendment being as follows:

Amend H. B. 673 by striking therefrom Section I and by striking from the title the figures 7542 where the same occur together therein.

Amend Section 16 of House Bill No. 673 so that it shall read as follows:

Section 16. That Section 7567 of the Code of Alabama of 1923 as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the extraordinary Session of 1936, be amended to read as follows:

7567. MEDICAL, SURGICAL AND HOSPITAL SERVICE.
—In addition to the compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first ninety days of disability, or in case of death within said ninety days, obtained during the period occurring between the time of the injury and his death therefrom. The total liability of the employer under this section shall not exceed the aggregate of two hundred dollars, and the pecuniary lia-

bility of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service, or for a part thereof or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay as much as said two hundred dollars, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. In addition to the medical and surgical treatment provided during ninety days of disability, the employer may, if he so elects, furnish to the injured employee such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus for such time thereafter as he desires to furnish the same, and the employee shall accept the same; if the employer furnishes such medical and surgical attention and supplies during such ninety day period he shall not be liable under this section, except for such said services and supplies as may, in an emergency, be procured by the employee elsewhere; in no event, however, shall the total liability hereunder exceed two hundred dollars. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to submit to medical and surgical treatment and attention, or refuses to accept the medical service which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required

to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same.

On motion of Mr. Hardwick a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 673. The Speaker of the House named as the Committee of Conference on the part of the House, Messrs. Hodo, Hardwick and Wood.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker :

Your Standing Committee on Engrossed and Enrolled bills reports that it has examined the following House bills :

H. 478. To amend Schedule 16 of Article XIII, Chapter I of an Act entitled "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Also :

H. 479. To amend Schedule 20 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama", approved July 10th, 1935.

Also :

H. 803. To amend Section 4622 of the Code of Alabama, 1923.

Also :

H. 922. To make an appropriation out of the State Treasury to the Department of Industrial Relations for the purpose of further bearing the expenses of the Department of Industrial Relations in administering the Workmen's Compensation Act of Alabama and the program of factory and industrial plant inspection for the safety of employees and the prevention of accidents.

Also :

H. 978. For relief of Mrs. Annie W. Reynolds and minor children by the payment to her and her minor children compensation for the death of her husband, L. C. Reynolds, deceased, of Chilton County, Alabama, while he was in the line of and performing his duty as an employee for the County of Chilton, State of Alabama.

Also:

H. 985. To amend an act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission." Approved: January 8, 1937.

Also:

H. 1042. To authorize and empower the Board of Revenue of Montgomery County, Alabama, in its discretion to donate annually out of the general funds of Montgomery County, Alabama, a sum not exceeding \$600.00 per annum to the support of the Montgomery Museum of Fine Arts. Said sum to be paid in equal monthly installments.

Also:

H. 1048. To alter and re-arrange the boundaries of the Town of Aliceville, Pickens County, Alabama.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and as amended has passed the following House bill; and returns same herewith to the House.

H. 666. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and

alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs and Registers of the Chancery Courts, and provide the method and basis of their compensation, in each of the following named counties: Etowah, Cherokee

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, in the following named counties: Etowah, Cherokee, Jackson, Tallapoosa, Walker.

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? "The Legislature of Alabama may hereafter, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from

which his salary is paid, and provide the method and basis of their compensation in the following named counties: Etowah, Cherokee

YES..... NO....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections, except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

AMENDMENT TO HOUSE BILL NO. 666

Amend House bill No. 666 as follows:

(1) Strike out the caption thereof and substitute the following: "To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in each of the following named counties: Etowah, Cherokee, and Tallapoosa.

(2) Amend Section 1 to read as follows:

"SECTION 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: 'The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation "of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah, Cherokee, and Tallapoosa.

(3) Amend Section 3 to read as follows:

"SECTION 3. That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: 'Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah, Cherokee, and Tallapoosa. Yes..... No....." The choice of the elector shall be indicated by a crossmark by him or her opposite the word expressing his or her desire."

On motion of Mr. Cobb a Committee of Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 666. The Speaker of the House named

as the Committee of Conference on the part of the House, Messrs. Cobb, Allen and McCord.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bills and returns same herewith to the House:

H. 627. To amend Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also:

H. 818. To amend Section 5, House Bill 255 approved October 5th, 1932, entitled "An Act to regulate the transportation delivery, storage or sale of gasoline and other motor fuels in this State etc." General Acts Extra Session of the Legislature of 1932.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson, of Cullman, the House concurred in and adopted the Senate amendment to the bill, H. 627, said Senate amendment being as follows:

Substitute for H. B. 627 and pending Amendment to House bill 627:

A BILL

To be entitled An Act to amend Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Be it Enacted by the Legislature of Alabama:

Section 1. That Schedule 67 of Article XIII, Chapter I of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935, be and the same is hereby amended to read as follows:

SCHEDULE 67. Each person operating for profit a Gasoline Filling Station or pump in cities or towns, or within three miles thereof, shall, on October 1, 1940, pay the following privilege tax:

In cities of 100,000 inhabitants and over, where only one pump or filler is used.....	\$36.00
For each additional pump.....	27.00
In cities or towns of 40,000 inhabitants and less than 100,000 inhabitants, where only one pump or filler is used....	27.00
And for each additional pump.....	18.00
In cities or towns of 12,000 inhabitants and less than 40,000, where only one pump or filler is used.....	23.00
And for each additional pump.....	13.00
In cities or towns of 5,000 inhabitants and less than 12,000, where only one pump or filler is used.....	18.00
And for each additional pump.....	9.00
In incorporated towns of 1,000 inhabitants and less than 5,000, where only one pump or filler is used.....	9.00
And for each additional pump.....	6.50
In incorporated towns of less than 1,000 inhabitants.....	4.50
And for each additional pump.....	2.50
In all other places whether incorporated or not.....	2.50
And for each additional pump.....	2.50

Each person operating for profit a Gasoline Filling Station or pump in cities or towns, or within three miles thereof, shall, on October 1, 1941, pay the following privilege tax:

In cities of 100,000 inhabitants and over, where only one pump or filler is used.....	\$32.00
And for each additional pump.....	24.00
In cities or towns of 40,000 inhabitants and less than 100,000 inhabitants, where only one pump or filler is used....	24.00
And for each additional pump.....	16.00
In cities or towns of 12,000 inhabitants and less than 40,000 inhabitants, where only one pump or filler is used.....	20.00
And for each additional pump.....	11.00
In cities or towns of 5,000 inhabitants and less than 12,000, where only one pump or filler is used.....	16.00
And for each additional pump.....	8.00
In incorporated towns of 1,000 inhabitants and less than 5,000, where only one pump or filler is used.....	8.00
And for each additional pump.....	6.00
In incorporated towns of less than 1,000 inhabitants.....	4.00
And for each additional pump.....	2.50
In all other places whether incorporated or not.....	2.50
And for each additional pump.....	2.50

Each person operating for profit a Gasoline Filling Station or pump in cities or towns, or within three miles thereof, shall, on October 1, 1942, and thereafter, pay the following privilege tax:

In cities of 100,000 inhabitants and over, where only one pump or filler is used.....	\$28.00
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And for each additional pump.....	21.00
In cities or towns of 40,000 inhabitants and less than 100,000 inhabitants, where only one pump or filler is used.....	21.00
And for each additional pump.....	14.00
In cities or towns of 12,000 inhabitants and less than 40,000, where only one pump or filler is used.....	18.00
And for each additional pump.....	10.00
In cities or towns of 5,000 inhabitants and less than 12,000, where only one pump or filler is used.....	14.00
And for each additional pump.....	7.00
In incorporated towns of 1,000 inhabitants and less than 5,000, where only one pump or filler is used.....	7.00
And for each additional pump.....	5.00
In incorporated towns of less than 1,000 inhabitants.....	3.50
And for each additional pump.....	2.50
In all other places whether incorporated or not	2.50
And for each additional pump.....	2.50

Section 2. All laws or parts of laws, local or general, in conflict herewith are expressly repealed.

Section 3. This Act shall become effective upon its enactment into law.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Doster	Martin	Sadler
Allen	Ellis	Matthews (Jackson)	Sanderson
Austin	Garrett	Mayhall	Segrest
Bagley	Golson	Miller	Sessions
Branyon	Graham	McCord	Sherrer
Carwile	Green	McDanal	Sightler
Castleberry	Gwin	Nation	Smyer
Christopher	Hall	Neighbors	Stallings
Cobb	Hamilton	Norman (Lowndes)	Stone
Collier	Hardwick	Owens	Taylor
Cook	Haynes	Payne	Tidmore
Davis (Madison)	Hill (Lauderdale)	Petrey	Tucker
Dearman	Hill (Marion)	Phillips	Waldrop
Delony	Hodo	Pool	Waller
Devers	Kaul	Quarles	Welch
Dobbs	Langley	Robertson (Cullman)	Wood
Dominick	Lovelace	Robinson (Lowndes)	

—67

On motion of Mr. Tucker the House concurred in and adopted the Senate Amendment to the bill, H. 818, said Senate Amendment being as follows:

Amend H. B. No. 818 by striking the words "Commissioner of Revenue" where the same appears therein and by inserting in lieu thereof the words "Director of the State Department of Revenue."

Yeas, 71; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Lovelace	Sanderson
Allen	Doster	Martin	Scott
Austin	Ellis	Mathews (Clarke)	Segrest
Bagley	Garrett	Matthews (Jackson)	Sessions
Barnes	Graham	Mayhall	Sightler
Beck	Green	Miller	Smyer
Branyon	Gwin	McCord	Stone
Brown (Covington)	Hall	Nation	Taylor
Brown (Lee)	Hamilton	Neighbors	Tidmore
Castleberry	Hare	Norman (Bullock)	Tucker
Christopher	Haynes	Norman (Lowndes)	Wallace
Cobb	Hill (Lauderdale)	Owens	Waller
Collier	Hill (Marion)	Payne	Welch
Cook	Hodo	Petrey	Whigham
Davis (Madison)	Inge	Quarles	White
Delony	Kaul	Robertson (Cullman)	Wood
Devers	Langley	Robinson (Lowndes)	Young
Dobbs	Locke	Sadler	

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following resolution and returns same herewith to the House:

H. J. R. 139. Relative to continuation of defense program of United States and urging Congress to prepare the Americas for peace.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bills and returns same herewith to the House:

H. 648. To provide for the appointment of a Chief Clerk by the Circuit Solicitor in all judicial circuits that now is or may hereafter be composed of only three counties, one of which such counties is now or may hereafter be divided into two jurisdictions or judicial divisions with the holding of the Circuit Court in each jurisdiction or judicial division of such county so divided and said Circuit having only two Judges, to fix the term of office and to prescribe the duties of said Chief Clerk and to require said Chief Clerk, in addition to his work as Chief Clerk, to do stenographic and secretarial work and investigations for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the Counties composing said juridical circuits and how the same shall be paid.

Also:

H. 1017. To amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of One hundred dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Also:

H. 728. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McCord the House concurred in and adopted the Senate Amendment to the bill, H. 648, said Senate Amendment being as follows:

AMENDMENT TO HOUSE BILL NO. 648

Amend House Bill 648 as follows:

(1) Change the period at the end of the caption to a semi-colon and add "and further provide that the board of revenue or other governing body of the county paying the larger portion of the salary may suspend from time to time the operation of this act."

(2) Change "Section 4" to "Section 5" and add a Section 4 to read as follows: "Section 4. The board of revenue or other governing body of the county paying the larger portion of the salary named in this act may from time to time suspend the operation of this act in such circuit and during such periods of suspension this act shall not be operative or effective, and the term of office provided for in Section 3 of this act shall at all times be subject to the provisions of this section."

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Lovelace	Sightler
Allen	Golson	Martin	Smyer
Austin	Graham	Mayhall	Snyder
Bagley	Graves	Miller	Spence
Ball	Green	McCord	Toomer
Barchard	Gwin	McDanal	Tucker
Barnes	Hall	McGowin	Walden
Beck	Hamilton	Nation	Waldrop
Booth	Hardwick	Neighbors	Wallace
Boswell	Hare	Newman	Waller
Branyon	Haynes	Owens	Welch
Carwile	Henson	Payne	Weston
Clayton	Kaul	Petrey	Whigham
Cobb	Langan	Phillips	White
Collier	Langley	Pool	Wood
Cook	Locke	Quarles	Young
Dobbs			

—65

On motion of Mr. Hare, the House concurred in and adopted the Senate Amendment to the bill, H. 1017, said Senate Amendment being as follows:

SUBSTITUTE FOR H. 1017

H. 1017. A bill to be entitled An Act to Amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of one Hundred dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve

hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Be it Enacted by the Legislature of Alabama:

That Section 1 of said Act be amended to read as follows:
SECTION 1. That whenever the United Daughters of the Confederacy of the State of Alabama shall donate to the State of Alabama, and actually pay in cash to the treasurer of said State, a sum of money amounting to twelve hundred and fifty dollars, there shall be considered as established a free scholarship of the value of one hundred dollars per year in board and such fees or other charges as that amount would cover or include over and above board, for the benefit of the student receiving the benefit of the same, or appointed to such scholarship, at any of the following institutions of learning, to-wit: The University, Tuscaloosa; Alabama Polytechnic Institute, Auburn, Alabama College, Montevallo; any of the group A Normal Schools, Florence, Jacksonville, Livingston, and Troy, that have, or may have a dormitory, that such scholarship shall be, and is hereby established for each sum of twelve hundred and fifty dollars so donated to the State.

That Section 2 of said Act be amended to read as follows:
SECTION 2. That at the time such sum or sums of money amounting to twelve hundred and fifty dollars shall be donated to the State, and paid over to the State treasurer, the said United Daughters of the Confederacy shall designate in writing signed by its president and countersigned by its chairman of scholarship, and filed with the State comptroller, the particular institutions of learning, among those enumerated in Section 1 of this act, in which the scholarship is desired. Thereupon it shall be the duty of the State comptroller to issue a warrant drawn upon the State treasurer, in due form, and deliver the same to the treasurer of such institution of learning for the said sum of twelve hundred and fifty dollars, or for such several sums of twelve hundred and fifty dollars which shall be donated in this manner to the State which warrant or warrants the treasurer shall pay on presentation. Such sum or several sums of twelve hundred and fifty dollars shall be received by such treasurer of such institution of learning and added to the sum held by the board or boards legally administering the same for the support of such institutions.

That Section 3 of said act be amended to read as follows:
SECTION 3. Any person, male or female, otherwise entitled to admission as a student or pupil in such institution of learning, and such only, and who presents to the proper authorities of same, a certificate signed by the president and countersigned by the chairman of scholarship committee of such United Daughters of the

Confederacy of Alabama, granting to him or her a scholarship, under the terms of this act, shall be entitled to be admitted at such institution as entitled to the benefits of this act. And when so admitted, he or she shall be given credit on the books of such institution for the sum of one hundred dollars, to be applied to the end and purpose of defraying his or her board and such fees or other charges as that amount would cover over and above board, for the session during which or for which he or she applies for admission.

To amend said Act by adding thereto Section 4 as follows: SECTION 4. Provided, that if a scholarship is held either three or four years, that the last year of tenure shall be a loan scholarship, to be repaid to the United Daughters of the Confederacy of Alabama, the loan bearing no interest the first year, but bearing interest at the rate of five per cent per annum each year thereafter it remains unpaid. Also provided that in the event any institution should prefer to discontinue the annual one hundred dollar scholarship, said institution shall be privileged to do so upon the return of the endowment fund or funds to the Alabama Division of the United Daughters of the Confederacy, which fund or funds, when so returned, to be reinvested with some other State Educational Institution.

To amend said Act by adding thereto Section 5 to read as follows: SECTION 5. This act shall go into effect immediately upon its passage and approval by the Governor.

Yeas, 72; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Martin	Robinson (Lowndes)
Allen	Doster	Mathews (Clarke)	Sadler
Austin	Ellis	Mathews (Jackson)	Sanderson
Barnes	Garrett	Mavhall	Segrest
Beck	Golson	Miller	Sessions
Brown (Covington)	Gwin	McCord	Smyer
Brown (Lee)	Hall	McDanal	Stone
Carwile	Hamilton	Nation	Taylor
Castleberry	Hare	Neighbors	Tidmore
Christopher	Havnes	Norman (Bullock)	Toomer
Cobb	Hill (Lauderdale)	Norman (Lowndes)	Tucker
Collier	Hill (Marion)	Owens	Waldrop
Cook	Hodo	Payne	Wallace
Davis (Madison)	Inge	Petrey	Waller
Dearman	Kaul	Phillips	Welch
Delony	Langan	Pool	Whigham
Devers	Langley	Quarles	White
Dobbs	Locke	Robertson (Cullman)	Wood

On motion of Mr. Wallace the House concurred in and adopted the Senate Amendment to the bill, H. 728, said Senate Amendment being as follows:

Substitute for House bill 728.

A BILL

To be entitled An Act to regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle or to deliver into any motor vehicle for actual or apparant use therein, any product whatsoever for use in supplying, creating or generating motive power to such motor vehicle, or lubricating oil for such motor vehicle, unless such person, firm or corporation shall conspicuously and plainly post on the pump or stand from which delivery is made a sign or placard, stating the price or prices of each such product, amount of tax to be stated separately, and so that such prices can be read and easily distinguished by brand or other designation in legible words, letters and figures of uniform size and dimensions, not less than one inch in height, which said sign or placard shall be so located and placed that it may easily be seen and read by purchasers or prospective purchasers of such products or oil.

Section 2. BE IT FURTHER ENACTED, That it shall be unlawful for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle, for actual or apparent use therein, any product whatsoever for use in supplying, creating or generating motive power to such motor vehicle, or lubricating oil for such motor vehicle, at any price or prices, except the exact price or prices contained on the sign or placard required by this Act, or to offer, deliver, grant, allow, give or promise, any actual prospective, contingent, immediate or future benefits, concessions, discounts, refunds, premiums, or gratuities of any kind or nature whatsoever, which in any degree, manner or extent, shall be calculated or intended to effect or accomplish a sale of such product for other than said posted price or prices.

Section 3. BE IT FURTHER ENACTED, That the term "motor vehicle" as used in this Act shall include all vehicles propelled by any power other than muscular power.

Section 4. BE IT FURTHER ENACTED, That a violation of this Act shall constitute a misdemeanor punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding six months, or both, each day or part of a day shall constitute a separate offense.

Section 5. BE IT FURTHER ENACTED, That justice of the peace courts and all other courts of like jurisdiction shall have original and concurrent jurisdiction along with the circuit courts of the State in the enforcement of this Act.

Section 6. BE IT FURTHER ENACTED, That this Act shall take effect thirty days from and after its enactment into law.

Yeas, 61; Nays, 1.

Yeas:

Mr. Speaker	Ellis	Mayhall	Segrest
Allen	Garrett	Miller	Sessions
Bagley	Golson	McCord	Sherrer
Beck	Graham	McDanal	Sightler
Boswell	Green	Nation	Smyer
Branyon	Gwin	Norman (Bullock)	Stone
Brown (Covington)	Hall	Norman (Lowndes)	Taylor
Collier	Hamilton	Owens	Tidmore
Cook	Hardwick	Payne	Tucker
Davis (Madison)	Hare	Petrey	Waldrop
Dearman	Haynes	Quarles	Wallace
Delony	Hill (Lauderdale)	Robertson (Cullman)	Waller
Devers	Hill (Marion)	Robinson (Lowndes)	Welch
Dobbs	Hodo	Sadler	Whigham
Dominick	Inge	Sanderson	Wood
Doster			

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Nay: Matthews (Jackson).

— 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 998. To Amend Sub-section (b) of Schedule 158.14 of Section 348 of an Act entitled An Act To Provide for the General Revenue of the State of Alabama, approved July 10, 1935.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

Messrs. Crumpton, Carlton and Young were appointed as conferees on the part of the Senate.

J. E. Speight,
Secretary.

BILL INDEFINITELY POSTPONED

On motion of Mr. Inge the bill:

S. 511. To create and establish in and for Mobile County, Alabama, a Court of County Commissioners; to provide for the election and selection of the members of said Court; to define the powers and duties of such Court and the members thereof; to fix the compensation of the members of said Court and their terms of office, and to abolish the Board of Revenue and Road Commissioners of said County.

Was indefinitely postponed.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:55 A. M. on June 27, 1940.

H. 486

H. 834

H. 976

H. 1004

Delivered to the Governor at 3:20 P. M. on June 27, 1940.

H. 478

H. 479

H. 803

H. 922

H. 978

H. 985

H. 1042

H. 1048

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Mayhall the House, in accordance with a House joint resolution heretofore adopted, adjourned until Tuesday, July 2nd, 1940, at ten o'clock, A. M.

FIFTIETH DAY

House of Representatives,
Montgomery, Alabama,
Tuesday, July 2, 1940.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Collier, of the House.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Dobbs	Langley	Sanderson
Allen	Dominick	Locke	Scott
Austin	Doster	Lovelace	Segrest
Bagley	Ellis	Martin	Sessions
Ball	Flowers	Mathews (Clarke)	Sherrer
Barnes	Garrett	Matthews (Jackson)	Sightler
Beck	Gewin	Mayhall	Smyer
Booth	Golson	Miller	Snyder
Boswell	Graham	McCord	Spence
Branyon	Graves	McDanal	Stallings
Brown (Covington)	Green	McGowin	Stone
Brown (Lee)	Gwin	Nation	Taylor
Carwile	Hall	Neighbors	Tidmore
Castleberry	Hamilton	Newman	Toomer
Chewning	Hardwick	Norman (Bullock)	Tucker
Christopher	Hare	Norman (Lowndes)	Walden
Clayton	Haynes	Owens	Waldrop
Cobb	Henson	Payne	Wallace
Collier	Hill (Lauderdale)	Petrey	Waller
Cook	Hill (Marion)	Phillips	Welch
Davis (Madison)	Hodo	Pool	Weston
Davis (Montgomery)	Inge	Quarles	Whigham
Dearman	Jenkins	Robertson (Cullman)	White
Delony	Kaul	Robinson (Lowndes)	Wood
Devers	Langan	Sadler	Young

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A quorum was present.

LEAVE OF ABSENCE

Was granted Messrs. Barchard and Robinson, (St. Clair).

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker :

Your Standing Committee on Revision of the Journal beg leave to report that we have carefully examined the Journal of the House for the forty-ninth legislative day, and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the forty-ninth legislative day was dispensed with, and the report of the Standing Committee on Revision of the Journal was concurred in and adopted, and the Journal for the forty-ninth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker :

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolution:

H. 627. To amend Schedule 67 of Article XIII, Chapter 1 of an Act entitled, "An Act to provide for the General Revenue of the State of Alabama," approved July 10, 1935.

Also :

H. 644. To protect the users of liquified petroleum gases and to provide regulations for the sale of said gases for domestic and industrial use and to provide for posting of bonds with the Superintendent of Insurance and to provide specifications for installation of tanks for the use of said gases to consumers and to provide for penalties for violation of this Act, and to regulate the use and installation of said gases generally.

Also :

H. 648. To provide for the appointment of a Chief Clerk by the Circuit Solicitor in all judicial circuits that now is or may hereafter be composed of only three counties, one of which such counties is now or may hereafter be divided into two jurisdictions or judicial divisions with the holding of the Circuit Court in each jurisdiction or judicial division of such county so divided and said Circuit having only two Judges, to fix the term of office and to prescribe the duties of said Chief Clerk and to require said Chief Clerk, in addition to his work as Chief Clerk, to do stenographic and secretarial work

and investigations for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the Counties composing said juridical circuits and how the same shall be paid; and further provide that the board of revenue or other governing body of the county paying the larger portion of the salary may suspend from time to time the operation of this act.

Also:

H. 728. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Also:

H. 818. To amend Section 5, House Bill 255 approved October 5th, 1932, entitled "An Act to regulate the transportation delivery, storage or sale of gasoline and other motor fuels in this State etc." General Acts Extra Session of the Legislature of 1932.

Also:

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p 256, 544).

Also:

H. 938. To amend Sections 9426 and 9427 of the Code of Alabama.

Also:

H. 998. To Amend Sub-section (b) of Schedule 158.14 of Section 348 of an Act entitled An Act To Provide for the General Revenue of the State of Alabama, approved July 10, 1935.

Also:

H. 1017. To amend an Act entitled "An Act to provide for a free scholarship in certain schools of the State of Alabama, to the value of One Hundred Dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship", Approved February 24, 1915."

Also:

H. J. R. 139. In view of the fact that nations of the world are at war, the Legislature of Alabama resolved to support the President of the United States program of building defenses for the

United States and also urge a continuation of said program and pledge whole-hearted cooperation in, "Peace for the Americas." Also that copies of this resolution be sent to the President, Secretaries of State, War and Navy and members of Congress from the State of Alabama.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the Presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 666. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, in each of the following named counties: Etowah, Cherokee

Messrs. Lusk, Street and Hildreth were appointed as conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

And Messrs. Simpson, Lusk and Clayton were named as conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bill and returns same herewith to the House:

H. 686. To Protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Kaul, the House concurred in and adopted the Senate Amendment to the bill, H. 686, said Senate amendment being as follows:

Amend Section 4 to read as follows:

Section 4. Any person, firm or corporation buying, contracting to buy, or otherwise acquiring logs, poles, piling, cross ties, pulpwood, veneer bolts, stave bolts or other unmanufactured or semi-manufactured forest products shall keep a written record in this

state of every such purchase. Said record shall contain the name of the person or persons from whom such property was acquired, the amount thereof, the date of delivery, and the section, township and range from which such timber or other forest products were severed, which information shall be obtained from the person or persons from whom such property was acquired. This record must be a true, accurate, and correct statement of the transaction as provided for in this section, and any person or persons who knowingly gives false information to the purchasers of such property or who wilfully misstates the facts with intent to defraud shall be guilty of a misdemeanor and shall be punished by a fine not less than \$10.00 nor more than \$100.00, or a jail sentence of not less than 10 days nor more than 1 year, or both such fine and imprisonment, provided that the purchaser shall be entitled to rely upon the information furnished him by the seller. The information given under the provisions of this section shall be kept by the person or persons acquiring such forest products and shall be available, during business hours, to a duly authorized agent or employee of the Department of Conservation of the State of Alabama, and such record shall be kept available for a period of not less than 3 years, and any person, firm or corporation failing to keep such record or in any manner falsifying same, shall be guilty of a misdemeanor and shall be punished by a fine not less than \$10.00 nor more than \$100.00 or a jail sentence of not less than 10 days nor more than a year, or both such fine and imprisonment.

Amend Section 9 to read as follows:

Section 9. This Act shall become effective January 1, 1941.

Yeas, 61; Nays, 0.

Yeas:

Mr. Speaker	Gewin	Martin	Sightler
Austin	Golson	Matthews (Jackson)	Spence
Bagley	Graham	Miller	Stallings
Barnes	Green	McCord	Taylor
Beck	Gwin	McDanal	Tidmore
Boswell	Hall	McGowin	Tucker
Branyon	Hamilton	Nation	Walden
Brown (Covington)	Hardwick	Neighbors	Waldrop
Carwile	Hare	Newman	Waller
Chewning	Hill (Lauderdale)	Owens	Welch
Collier	Hill (Marion)	Payne	Weston
Davis (Madison)	Inge	Petrey	Whigham
Dearman	Kaul	Quarles	White
Devers	Langley	Robertson (Cullman)	Wood
Dobbs	Locke	Sanderson	Young
Dominick			

RESOLUTIONS

The following resolution was introduced :

RESOLUTION

By Rules Committee:

H. R. 143. BE IT RESOLVED that the following bills be made special, paramount and continuing order of business for to-day, the fiftieth legislative day:

S. 499, page 19.

S. 498, page 18.

S. 506, page 18.

S. 374, page 15.

S. 312, page 14.

S. 478, page 16.

S. 444, page 17.

S. 414, page 17.

S. 363, page 1.

S. 292, page 2.

S. 405, page 1.

S. 406, page 1.

S. 211, page 2.

S. 212, page 2.

S. 213, page 3.

S. 216, page 3.

S. 455, page 3.

S. 504, page 18.

S. 487, page 20.

S. 494, page 16.

And the H. R. 143 was adopted.

By Mr. McGowin:

H. J. R. 144. BE IT RESOLVED by the House of Representatives, the Senate concurring, that Hon. W. S. Welch, Chairman, and Senator John A. Lusk, Jr., Vice-Chairman, and the members of the Joint Committee of the two Houses of the Legislature created for the purpose of revising, amending and correcting the work prepared by the Code Commissioner, be gratefully commended for the successful completion of the 1940 Code of Alabama, and for the learning, courage, and devotion with which they have applied themselves to this difficult task.

On motion of Mr. McGowin, the Rules were suspended and the H. J. R. 144 was adopted.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 957 without his approval.

Respectfully Submitted,
ROLAND MUSHAT,
Secretary to the Governor.

June 25, 1940.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 957, without my approval.

In my opinion, this Bill is in violation of Section 68 of the Constitution.

Respectfully,
FRANK M. DIXON,
Governor.

June 25, 1940.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor containing his veto of H. 957.

On motion of Mr. Dominick, the further consideration of the veto of the Governor of H. 957 was indefinitely postponed.

BILLS ON THIRD READING

S. 499. To adopt a Code of Laws for the State of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

AMENDMENT TO SENATE BILL NO. 499

AMEND SECTION 3 OF SENATE BILL NO. 499 as follows:

(1) Insert between the words "created shall" where they occur together therein and the word "received" the word "each."

(2) Strike therefrom the word "twenty-five and insert in lieu thereof "ten."

(3) Strike the words "twenty-five hundred dollars" where they occur therein and insert in lieu thereof the words "three hundred dollars each."

And the amendment reported by the Standing Committee on Judiciary was adopted.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Locke	Segrest
Allen	Dominick	Martin	Sightler
Austin	Doster	Matthews (Jackson)	Smyer
Bagley	Gewin	Mayhall	Spence
Ball	Golson	Miller	Stallings
Barnes	Graham	McDanal	Stone
Beck	Gwin	McGowin	Tidmore
Boswell	Hall	Nation	Tucker
Branyon	Hamilton	Neighbors	Waldrop
Brown (Covington)	Hare	Newman	Waller
Chewning	Hill (Lauderdale)	Owens	Welch
Collier	Hill (Marion)	Payne	Whigham
Davis (Madison)	Inge	Petrey	White
Dearman	Kaul	Robertson (Cullman)	Wood
Delony	Langan	Sanderson	Young
Devers	Langley		

—62

And said bill:

S. 499. To adopt a Code of Laws for the State of Alabama.

As amended by the amendment reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker	Davis (Madison)	Hamilton	Miller
Allen	Dearman	Hare	McDanal
Austin	Delony	Hill (Lauderdale)	McGowin
Bagley	Devers	Hill (Marion)	Nation
Ball	Dobbs	Inge	Neighbors
Barnes	Dominick	Kaul	Newman
Beck	Doster	Langan	Owens
Boswell	Gewin	Langley	Payne
Branyon	Golson	Locke	Petrey
Brown (Covington)	Graham	Martin	Robertson (Cullman)
Chewning	Gwin	Matthews (Jackson)	Sanderson
Collier	Hall	Mayhall	Segrest

Sightler	Stone	Waller	White
Smyer	Tidmore	Welch	Wood
Spence	Tucker	Whigham	Young
Stallings	Waldrop		

—62

S. 498. To provide for the distribution of the 1940 Code of Alabama, abridgments, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Was read a third time at length and passed.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Golson	Miller	Spence
Austin	Graham	McCord	Stallings
Bagley	Green	McDanal	Stone
Ball	Gwin	McGowin	Taylor
Barnes	Hamilton	Nation	Tidmore
Beck	Hardwick	Neighbors	Tucker
Boswell	Hare	Newman	Walden
Branyon	Hill (Lauderdale)	Owens	Waldrop
Carwile	Hill (Marion)	Payne	Wallace
Collier	Inge	Petrey	Waller
Davis (Madison)	Langan	Pool	Welch
Dearman	Langley	Robertson (Cullman)	Weston
Delony	Locke	Sanderson	Whigham
Devers	Martin	Segrest	White
Dobbs	Mathews (Clarke)	Sessions	Wood
Dominick	Mathews (Jackson)	Sightler	Young
Gewin	Mayhall	Smyer	

—67

S. 506. To further regulate the employees in the service of the State of Alabama; to provide for the reemployment or restoration of status of such employees who have enlisted or served in any of the armed forces of the United States.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Delony	Hare	McCord
Austin	Devers	Henson	McDanal
Ball	Dominick	Hill (Lauderdale)	McGowin
Beck	Garrett	Hill (Marion)	Nation
Boswell	Gewin	Hodo	Neighbors
Brown (Covington)	Golson	Inge	Newman
Carwile	Graham	Langan	Norman (Bullock)
Castleberry	Green	Locke	Owens
Chewning	Gwin	Martin	Payne
Collier	Hall	Mathews (Jackson)	Petrey
Davis (Madison)	Hamilton	Mayhall	Quarles
Dearman	Hardwick	Miller	Robertson (Cullman)

Segrest
Sightler
Smyer
Spence
Stallings

Stone
Taylor
Tidmore
Tucker

Wallace
Waller
Welch
Weston

Whigham
White
Wood
Young

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills:

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

Also:

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama,

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 72. To limit the rentals of housing accommodations in projects of housing authorities and to make such projects available only to persons of low income.

Also:

S. 73. To declare valid and legal the creation and establishment of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto.

Also:

S. 74. To amend the title and Section 3 of, and to repeal Section 4 of, and to add Section 7 to an Act entitled "An Act to authorize any cities located within the boundaries of housing authorities, the State, its subdivisions and agencies to cooperate with housing authorities and the United States of America by rendering services, conveying or leasing property and providing for streets and roads; and to authorize corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects," approved February 7, 1935.

Also:

S. 98. To provide for financial assistance by cities and towns to housing authorities created by them and for reimbursements by housing authorities to such cities and towns.

Also:

S. 302. To appropriate moneys for the retirement of the public debt of the State of Alabama, including moneys for sinking funds on outstanding highway bonds, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the principal on Harbor Improvement Bonds as they severally mature, for each of the fiscal years ending, respectively, September 30, 1940, September 30, 1941, September 30, 1942 and September 30, 1943.

Also:

S. 358. To regulate and prohibit the unlawful wearing of Uniforms of Foreign Governments, in the State of Alabama, and prescribing a penalty for the violation of this Act.

Also:

S. 416. To authorize the Board of Revenue and Control of Morgan County, Alabama, to pass upon, allow and pay the claims of F. L. Chenault and Benevolent Society Hospital for medical service and hospitalization rendered to W. E. Kilgore on account of injuries received by him while performing the duties of deputy sheriff.

Also:

S. 505. To allow the Sheriff of Randolph County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Randolph County, Alabama, in monthly installments, and to require said deputy to give bond in the sum of \$2000.00 payable to the Sheriff, with conditions as required by Section 2595 of the Code of Alabama, 1923.

Also:

S. 503. To define, regulate and license barbers and barber shops in Marshall County, Alabama, and to create a Barbers Commission for said County, and to provide a penalty for the violation of the provisions hereof.

Also:

S. 451. To amend Section 3 of an Act entitled "An Act to regulate the business of selling used motor vehicles by dealers not residing in or having a permanent place of business in the State of Alabama, and by resident dealers purchasing, handling and selling used vehicles, used or acquired from non-resident dealers; to require the registration of all used motor vehicles brought into the State of Alabama for the purpose of sale, with Probate Judges in several counties; to require all such dealers to execute and deliver to such purchaser of such used vehicles, a bond indemnifying the purchaser against failure of title, breach of warranty, or fraudulent misrepresentation; to define the terms 'dealer' and 'vendor', and to provide penalties for the violation of the provisions of this Act," approved March 2, 1937.

Also:

S. 492. To amend Section 1 of an Act entitled "An Act to provide for the use of voting machines for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State: To provide for referendum elections for voting for or against the use of voting machines in counties, cities or other political subdivisions of the State: to provide by local act for permitting the governing body of any county, municipality or other political subdivision to install voting machines without first submitting the question to the vote of the qualified electors: to provide for the method of procurement and installation of voting machines by rental, lease or purchase, and the terms thereof: to provide for the discontinuance of the use of voting machines: to provide for the mechanical qualifications, construction and requirements of voting machines; to provide for adequate guarantees by manufacturers, vendors and lessors of voting machines: to provide for the payment for voting machines: to provide for the

demonstration of voting machines by renting, leasing or borrowing; to provide for the furnishing and delivery of election supplies: to provide for the preparation of voting machines for elections: to provide for the opening of the polls: to provide for the instruction of election officials: to provide for election officials and their duties at elections: to provide for the voting of challenged ballots: to provide for the nomination of candidates in primary elections when only one candidate qualifies for an office, by omitting said name and office from the ballot: to provide for the instruction of voters before an election: to provide for the instruction and assistance of voters on election day: to provide for models and diagrams: to provide for the voting of irregular ballots: to provide for the voting of absentee ballots: to provide for the repair or substitution of voting machines and the use of paper ballots; to provide for ballot labels to be used on voting machines: to provide for the hours of voting: to provide for the canvass of the vote and proclamation of the results: to provide for a statement of the canvass of the vote: to provide for the preservation of ballots and the records of voting machines: to provide for the appointment of custodians: to provide for the custody of voting machines and the keys thereof: to provide for the recanvass of votes: to provide for the regulation of the use of voting machines in cities, towns or other political subdivisions: to provide penalties for the violations of this act and of rules and regulations pursuant thereto: to repeal all laws and parts of laws inconsistent with the provisions hereof: and to establish the manner of the taking effect of this act," approved August 25, 1939.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House in the Presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

S. 374. To amend Section 7028 of the Code of Alabama of 1923, by providing that Railroad Companies may own and operate motor vehicles and aeroplanes for the transportation of persons or property, and may acquire property, rights and franchises of others engaged in such transportation, and may acquire and own capital stock of corporations and may enter into agreements with others

engaged in or authorized to engage in such transportations, and providing regulations governing such transportation.

Was read a third time at length and passed.

Yeas, 61; Nay, 1.

Yeas:

Mr. Speaker	Dobbs	Kaul	Petrey
Allen	Dominick	Langan	Phillips
Austin	Flowers	Langley	Pool
Bagley	Garrett	Mathews (Clarke)	Robertson (Cullman)
Ball	Golson	Matthews (Jackson)	Sanderson
Barnes	Graham	Mayhall	Sightler
Beck	Green	Miller	Spence
Branyon	Gwin	McCord	Stallings
Brown (Covington)	Hamilton	McDanal	Taylor
Carwile	Hardwick	McGowin	Tidmore
Chewning	Henson	Nation	Waldrop
Collier	Hill (Lauderdale)	Neighbors	Wallace
Davis (Madison)	Hill (Marion)	Newman	Welch
Dearman	Hodo	Owens	Weston
Delony	Inge	Payne	Young
Devers			

—61

Nay: Mr. Sherrer.

— 1

S. 312. Relating to reciprocal agreements between the Alabama Department of Agriculture and Industries and those of other states pertaining to fees for inspection certificates or permits.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Devers	Langley	Pool
Allen	Dobbs	Martin	Quarles
Austin	Flowers	Mathews (Clarke)	Robertson (Cullman)
Bagley	Garrett	Matthews (Jackson)	Sanderson
Ball	Golson	Mayhall	Sessions
Barnes	Graham	Miller	Sightler
Beck	Gwin	McCord	Smyer
Boswell	Hall	McDanal	Spence
Branyon	Hamilton	McGowin	Stallings
Brown (Covington)	Hardwick	Nation	Taylor
Chewning	Hare	Neighbors	Tidmore
Collier	Hill (Lauderdale)	Newman	Tucker
Cook	Hill (Marion)	Norman (Bullock)	Welch
Davis (Madison)	Inge	Owens	Weston
Dearman	Kaul	Payne	Wood
Delony	Langan	Petrey	Young

—64

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

J. E. Speight,
Secretary.

BILL ON THIRD READING

S. 478. To provide judicial officers of the State; to designate them as supernumerary judges; to provide the conditions under which a judge of the Court of Appeals or a judge of the Circuit Court may become a supernumerary judge; to provide the qualifications, tenure, duties, powers, authority, jurisdiction and compensation, and the method of removal of said supernumerary judge; to appropriate funds for the payment of such compensation; to provide for the performance by such supernumerary judge of judicial duties, and to otherwise regulate the office of supernumerary judge.

Was taken up. Mr. Welch offered the following amendment to the bill, S. 478:

Amendment to S. 478, by Mr. Welch:

Amend Section 1 of Senate Bill 478 by striking therefrom the word "thirteen" where it occurs therein, and inserting in lieu thereof, the word, "fifteen."

And the amendment offered by Mr. Welch to the bill, S. 478, was adopted.

Yeas, 39; Nays, 16.

Yeas:

Mr. Speaker	Dearman	Inge	Sherrer
Allen	Dobbs	Langley	Smyer
Austin	Dominick	Mayhall	Spence
Barnes	Flowers	Miller	Stallings
Boswell	Garrett	McCord	Stone
Brown (Covington)	Golson	Nation	Taylor
Carwile	Hardwick	Neighbors	Tucker
Castleberry	Hare	Newman	Wallace
Cook	Henson	Norman (Bullock)	Welch
Davis (Madison)	Hill (Lauderdale)	Segrest	

—39

Nays:

Messrs.:	Gewin	Mathews (Clarke)	Tidmore
Ball	Hamilton	Matthews (Jackson)	Waldrop
Cobb	Hodo	Norman (Lowndes)	Weston
Collier	Martin	Payne	Wood
Delony			

—16

Mr. Mayhall offered the following amendment to the bill, S. 478: Amendment to S. B. 478, by Mr. Mayhall:

Amend S. B. 478 by striking from Section 3 thereof the following words and figures—"and they shall receive a salary of four thousand dollars per year," and inserting in lieu thereof the following—"and they shall receive a salary of twenty-four hundred dollars per year,".

On motion of Mr. Sessions, the bill, S. 478, and pending amendment was indefinitely postponed.

Yeas, 65; Nays, 20.

Yeas:

Messrs.:	Gewin	Mathews (Clarke)	Sadler
Austin	Golson	Matthews (Jackson)	Sessions
Bagley	Graham	McDanal	Sherrer
Ball	Green	McGowin	Smyer
Barnes	Gwin	Nation	Snyder
Branyon	Hall	Neighbors	Spence
Brown (Lee)	Hamilton	Newman	Tidmore
Carwile	Hardwick	Norman (Bullock)	Toomer
Castleberry	Hare	Norman (Lowndes)	Walden
Chewning	Henson	Owens	Waldrop
Cobb	Hill (Marion)	Payne	Wallace
Collier	Hodo	Petrey	Welch
Cook	Kaul	Phillips	Weston
Delony	Langan	Quarles	Whigham
Devers	Langley	Robertson (Cullman)	White
Dobbs	Locke	Robinson (Lowndes)	Wood
Dominick	Martin		

—65

Nays:

Mr. Speaker	Dearman	Miller	Stallings
Allen	Flowers	McCord	Stone
Boswell	Garrett	Pool	Taylor
Brown (Covington)	Hill (Lauderdale)	Segrest	Tucker
Davis (Madison)	Inge	Sightler	Young

—20

REPORT OF CONFERENCE COMMITTEE

Mr. Hodo from the Committee of Conference heretofore appointed on the disagreement of the two houses on the Senate amendment to the bill, H. 673, made the following report:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Your Conference Committee appointed by the Senate and House of Representatives to consider the differences between the Senate and the House respectively as to Sections 1 and 16 of H. B. 673, do respectfully report and recommend as follows:

1. That the Senate and House respectively do recede from their respective positions as to said sections 1 and 16 respectively, and that the same be amended to read as follows:

SECTION 1. That Section 7542 of the Code of Alabama of 1923 be amended to read as follows:

7542 LEGAL SERVICES.—No part of the compensation payable under this Law shall be paid to attorneys for the claimant for legal services unless upon the application of a claimant to a judge of the circuit court such judge shall order or approve of the employment of an attorney by the claimant, and in such event the judge when awarding compensation shall after inquiry and, if he deems it desirable, a full hearing thereon, fix the fee of the attorney for the claimant for his legal services in such amount as the judge shall deem reasonable, and the manner of its payment; but such fee shall not exceed fifteen per cent of the first three hundred dollars and ten percent of any sum in excess of three hundred dollars of the compensation awarded or paid.

SECTION 16. That Section 7567 of the Code of Alabama of 1923, as amended by Act No. 29, of the General laws of the Legislature of Alabama passed at the Extraordinary Session of 1936, be amended to read as follows:

7567. MEDICAL, SURGICAL AND HOSPITAL SERVICE.—In addition to the compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first ninety days of disability, or in case of death within said ninety days, obtained during the period occurring between the time of the injury and his death therefrom. The total liability of the employer under this section shall not exceed the aggregate of two hundred dollars, and the pecuniary liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service, or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay as much as said two hundred dollars, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. In addition to the medical and surgical treatment provided during ninety days of disability, the employer may, if he so elects, furnish to the injured employee such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus for such time thereafter as he desires to furnish the same,

and the employee shall accept the same, if the employer furnished such medical and surgical attention and supplies during such ninety day period he shall not be liable under this section, except for such of said services and supplies as may, in an emergency, be procured by the employee elsewhere; in no event, however, shall the total liability hereunder exceed two hundred dollars. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to submit to medical and surgical treatment and attention, or refuses to accept the medical service which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same.

Your committee further reports and recommends as follows:

That the figure "1940", wherever they appear in Sections 15, 21, and 22 of said Bill, to be changed to read "1941."

Respectfully submitted,

Preston Clayton

J. A. Lusk, Jr.

J. O. Simpson

Committee from the Senate

J. Fred Wood

Mark Hodo

W. G. Hardwick

Committee from the House.

And the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 673, was concurred in and adopted.

Yeas, 56; Nay, 1.

Yeas:

Mr. Speaker

Allen

Austin

Ball

Beck

Boswell

Brown (Covington)

Chewning

Clayton

Cook

Davis (Madison)

Dearman

Devers

Dobbs

Dominick

Flowers

Gewin

Graham

Hall

Hamilton

Hardwick

Hill (Marion)

Hodo

Inge

Langley

Locke

Martin

Mathews (Clarke)

Mayhall

Miller

McCord

McDanal

Newman

Norman (Lowndes)

Owens

Payne

Petrey	Segrest	Spence	Waller	
Phillips	Sessions	Stallings	Welch	
Robertson (Cullman)	Sightler	Taylor	Weston	
Sadler	Smyer	Tucker	Wood	
Sanderson	Snyder	Wallace	Young	—56
<i>Nay:</i> Mr. Kaul.				— 1

And said bill:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

As amended by the report of the Committee of Conference, was read a third time at length and passed.

Yeas, 56; Nay, 1.

<i>Yeas:</i>				
Mr. Speaker	Dominick	Mavhall	Sessions	
Allen	Flowers	Miller	Sightler	
Austin	Gewin	McCord	Smyer	
Ball	Graham	McDanal	Snyder	
Beck	Hall	Newman	Spence	
Boswell	Hamilton	Norman (Lowndes)	Stone	
Brown (Covington)	Hardwick	Owens	Taylor	
Chewning	Hill (Marion)	Payne	Tucker	
Clayton	Hodo	Petrey	Wallace	
Cook	Inge	Phillips	Waller	
Davis (Madison)	Langley	Robertson (Cullman)	Welch	
Dearman	Locke	Sadler	Weston	
Devers	Martin	Sanderson	Wood	
Dobbs	Mathews (Clarke)	Segrest	Young	—56
<i>Nay:</i> Mr. Kaul.				— 1

BILL ON THIRD READING

S. 444. To require the county governing body of each county in which a circuit solicitor, deputy circuit solicitor, or an assistant deputy circuit solicitor resides, to provide such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, with

adequate office space or rooms; and to provide that the State shall furnish such offices and officers with telephone service, stationery, stamps, and other necessary equipment for the use of such offices and officers; and to make an appropriation therefor.

Was read a third time at length and passed.

Yeas, 52; Nays, 9.

Yeas:

Mr. Speaker	Dobbs	Kaul	Sanderson
Austin	Dominick	Langan	Segrest
Bagley	Flowers	Langley	Sightler
Ball	Garrett	Locke	Smyer
Beck	Gewin	Martin	Spence
Booth	Golson	Miller	Stone
Boswell	Graham	McCord	Taylor
Branyon	Green	Owens	Tidmore
Brown (Lee)	Hamilton	Payne	Toomer
Chewning	Hare	Pool	Tucker
Cook	Hill (Marion)	Quarles	Wallace
Davis (Madison)	Hodo	Robertson (Cullman)	Welch
Dearman	Inge	Sadler	Wood

—52

Nays:

Messrs.:	Norman (Bullock)		Whigham
Cobb	Norman (Lowndes)	Weston	Young
McDanal	Phillips		

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following resolution and returns same herewith to the House:

H. J. R. 142. Relative to right of State employees to organize.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following resolution, and returns same herewith to the House:

H. J. R. 144. Expressing appreciation to members of Code Committee for the successful completion of their task in completing the Code.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 363. To amend Section 1883 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Mr. Speaker	Delony	Hill (Marion)	Pool
Austin	Devers	Langley	Quarles
Bagley	Dobbs	Martin	Robertson (Cullman)
Ball	Dominick	Matthews (Jackson)	Sadler
Barnes	Flowers	Mayhall	Sanderson
Beck	Garrett	Miller	Stallings
Booth	Golson	McCord	Stone
Branyon	Graham	McDanal	Taylor
Brown (Covington)	Green	McGowin	Tidmore
Brown (Lee)	Gwin	Newman	Tucker
Chewning	Hall	Norman (Bullock)	Wallace
Clayton	Hamilton	Owens	Waller
Collier	Hare	Petrey	Wood
Davis (Madison)	Henson	Phillips	Young
Dearman	Hill (Lauderdale)		

—58

S. 292. To Amend Section 6898 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 58; Nays, 5.

Yeas:

Mr. Speaker	Dobbs	Locke	Sanderson
Allen	Dominick	Martin	Sherrer
Austin	Doster	Mayhall	Sightler
Bagley	Flowers	Miller	Smyer
Ball	Garrett	McCord	Snyder
Beck	Golson	McDanal	Spence
Booth	Graham	McGowin	Stallings
Branyon	Green	Norman (Bullock)	Stone
Brown (Covington)	Gwin	Owens	Tucker
Brown (Lee)	Hall	Payne	Waldrop
Carwile	Henson	Phillips	Wallace
Clayton	Hill (Lauderdale)	Pool	Waller
Davis (Madison)	Inge	Robertson (Cullman)	Wood
Delony	Langan	Sadler	Young
Devers	Langley		

—58

Nays: Messrs.: Chewning, Gewin, Hare, Tidmore, Welch.

— 5

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 934 with a suggested Executive Amendment.

Respectfully submitted,
R. G. Mushat
ROLAND MUSHAT,
Secretary to the Governor,

July 2, 1940

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 934, without my approval.

In Section 16 of said bill I note the following words:

"For transporting or distributing said tobacco products in counties of 25,000 population or less a fee of Two and Fifty/one-hundredths Dollars (\$2.50) for each such county. In counties over 25,00 population and not to exceed 40,000 population, a fee of Five Dollars (\$5.00) for each such county; ***"

It is evident that the figures "25,00", where they appear in the above quoted words, should be "25,000" instead of "25,00".

Therefore, I propose the following Executive Amendment, which, if adopted, will remove my objection to said bill:

Amend said bill by striking therefrom the figures "25,00" where they appear in said Section 16 and substituting therefor the figures "25,000".

Respectfully,
FRANK M. DIXON,
Governor.

July 2, 1940.

GOVERNOR'S MESSAGE

On motion of Mr. McGowin, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 934.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Clayton	Gewin	Kaul
Allen	Cobb	Golson	Langan
Austin	Cook	Graham	Langlely
Bagley	Davis (Madison)	Green	Locke
Ball	Dearman	Gwin	Martin
Beck	Delony	Hall	Mathews (Clarke)
Booth	Devers	Hamilton	Miller
Boswell	Dobbs	Hare	McCord
Branyon	Dominick	Henson	McDanal
Brown (Covington)	Ellis	Hill (Lauderdale)	McGowin
Brown (Lee)	Flowers	Hill (Marion)	Nation
Chewning	Garrett	Inge	Neighbors

Newman	Robertson (Cullman)	Spence	Waller
Norman (Bullock)	Robinson (Lowndes)	Stallings	Welch
Norman (Lowndes)	Sadler	Stone	Whigham
Owens	Sanderson	Taylor	White
Payne	Segrest	Tucker	Wood
Petrey	Sightler	Waldrop	Young
Pool	Smyer	Wallace	

—75

Which was a majority of the whole number elected to the House.

And said bill:

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 75; Nays, 0.

<i>Yeas:</i>			
Mr. Speaker	Dobbs	Langley	Sadler
Allen	Dominick	Locke	Sanderson
Austin	Ellis	Martin	Segrest
Bagley	Flowers	Mathews (Clarke)	Sightler
Ball	Garrett	Miller	Smyer
Beck	Gewin	McCord	Spence
Booth	Golson	McDanal	Stallings
Boswell	Graham	McGowin	Stone
Branyon	Green	Nation	Taylor
Brown (Covington)	Gwin	Neighbors	Tucker
Brown (Lee)	Hall	Newman	Waldrop
Chewning	Hamilton	Norman (Bullock)	Wallace
Clayton	Hare	Norman (Lowndes)	Waller
Cobb	Henson	Owens	Welch
Cook	Hill (Lauderdale)	Payne	Whigham
Davis (Madison)	Hill (Marion)	Petrey	White
Dearman	Inge	Pool	Wood
Delony	Kaul	Robertson (Cullman)	Young
Devers	Langan	Robinson (Lowndes)	

—75

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 728, without my approval.

This bill, in its present form, would prohibit the use of coupons which have become of common use in the mercantile business of this country. I

know of no valid reason why their use should not be permitted in Alabama.

Therefore, I suggest the following Executive Amendment to said bill:

Amend said bill by adding at the end of Section 2 thereof the following:

"Provided, however, that nothing in this Act shall be construed to prohibit the issuance or use of coupons redeemable in merchandise other than petroleum products".

Respectfully,
FRANK M. DIXON,
Governor.

July 2, 1940.

GOVERNOR'S MESSAGE

On motion of Mr. Wallace, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 728.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Langley	Scott
Austin	Dominick	Locke	Segrest
Bagley	Doster	Martin	Sightler
Ball	Flowers	Matthews (Jackson)	Smyer
Booth	Garrett	Miller	Spence
Boswell	Gewin	McCord	Stallings
Branyon	Golson	McDanal	Stone
Brown (Covington)	Graham	McGowin	Tidmore
Brown (Lee)	Green	Norman (Bullock)	Toomer
Carwile	Hall	Owens	Tucker
Chewning	Hamilton	Payne	Wallace
Clayton	Hardwick	Petrey	Waller
Cook	Hill (Lauderdale)	Phillips	Welch
Davis (Madison)	Hill (Marion)	Pool	Whigham
Dearman	Hodo	Robertson (Cullman)	Wood
Delony	Inge	Robinson (Lowndes)	Young
Devers	Kaul	Sanderson	

—67

Which was a majority of the whole number elected to the House.

And said bill:

H. 728. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Langley	Scott
Austin	Dominick	Locke	Segrest
Bagley	Doster	Martin	Sightler
Ball	Flowers	Matthews (Jackson)	Smyer
Booth	Garrett	Miller	Spence
Boswell	Gewin	McCord	Stallings
Branyon	Golson	McDana1	Stone
Brown (Covington)	Graham	McGowin	Tidmore
Brown (Lee)	Green	Norman (Bullock)	Toomer
Carwile	Hall	Owens	Tucker
Chewning	Hamilton	Payne	Wallace
Clayton	Hardwick	Petrey	Waller
Cook	Hill (Lauderdale)	Phillips	Welch
Davis (Madison)	Hill (Marion)	Pool	Whigham
Dearman	Hodo	Robertson (Cullman)	Wood
Delony	Inge	Sadler	Young
Devers	Kaul	Sanderson	

—67

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1035. To provide for the distribution of the 1940 Code of Alabama, abridgements, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Also:

H. 917. To adopt a Code of Laws for the State of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and

fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Also:

H. 1068. To authorize, permit, and allow the Board of Revenue of Tuscaloosa County, Alabama, to authorize the installations and use of voting machines throughout said County or in one or more beats thereof, in all elections, general special or primary, to thereafter held in said County, without submitting the question as to whether or not said voting machines shall be used in said elections to the vote of the electors of said County; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by the said Board of Revenue and used throughout said County or in the beat or beats thereof for which such voting machines are acquired in all said elections thereafter held in said County in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

Also:

H. 578. To repeal an Act of the Legislature No. 116, House Bill No. 173, approved June 12, 1935, entitled, "An Act to fix and regulate guardian ad litem fees, commissions and allowances to be charged as court costs in all counties of this State having a population of 300,000 or more according to the last decennial Federal census or which may in the future have such a population according to any such Federal census which may hereafter be taken and to provide for the paying out of such fees, commissions or allowances to whomsoever may be entitled thereto; and to repeal all laws and parts of laws in conflict with this Act".

Also:

H. 1054. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of 400,000 or more, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of Judgments and decrees and for appeals to the Supreme Court from the orders, judgments and

decrees of such courts; to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and costs of court for the performance of the duties authorized by this act.

Also:

H. 1053. To provide that in all counties of this State which now have or may hereafter have a population of more than 300,000 according to the last or any subsequent Federal Census, the Judge of the Probate Court of such counties may try inquisitions of lunacy with or without a jury; and to further provide that when a jury is demanded in such proceedings, said jury shall be impaneled in the same manner as is now provided for the trial of a will contest in the Probate Courts of this State.

Also:

H. 1059. To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:.

H. 846. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act.

Also:

H. 1057. To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.

Also:

H. 1045. To provide for the division of Henry County; Alabama, into four commissioners' districts; to define the boundary lines thereof, by showing the beats composing such commissioners' districts; to provide for the election of one member of the court of county commissioners from each of the said commissioners' districts, by the respective voters of each of said commissioners' dis-

tricts; to fix their terms of office and the date of their election; to repeal sections 2, 3, 4, and 5, of an Act passed, by the Legislature of Alabama, at extraordinary session, 1932, known as House Bill No. 537; and to repeal sections 1, 2, 3, 4, and 5, of an Act passed by the Legislature of Alabama, at regular session, 1935, known as House Bill No. 430.

Also:

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies, and for payment of obligations and expenses of the Armory Commission of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596

of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

And said bill, H. 673, as thus amended by the report of the Conference Committee was again read a third time at length and passed by the Senate.

And said bill, H. 673, together with the Report of the Conference Committee is herewith returned to the House.

J. E. Speight,
Secretary.

RECESS

On motion of Mr. McGowin, the House recessed until two-thirty o'clock P.M. today.

AFTERNOON SESSION

The hour of two-thirty o'clock, P.M., having arrived, the House reconvened.

REPORT OF CONFERENCE COMMITTEE

To the Speaker of the House and the President of the Senate:

We, the undersigned, the committee on conference on the disagreement between the two Houses on Senate amendment to House Bill 703, recommend as follows:

That the House concur in the Senate amendment to the Bill.
And that the Bill as so amended be passed.

Respectfully,
A. L. CRUMPTON,
OLIVER E. YOUNG,
O. D. CARLTON,
Conferees on the part of the
Senate.
W. S. WELCH,
H. J. CARWILE,
Conferees on the part of the
House.

I do not concur in the majority report.

JOHN E. DELONY,
Conferee on the part of the
House.

On motion of Mr. Welch, the Minority Report of the Committee on Conference made by Mr. Delony was laid on the table.

On motion of Mr. Welch, the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 703, was concurred in and adopted.

Yeas, 48; Nays, 6.

Yeas:

Mr. Speaker	Dearman	Hill (Marion)	Robertson (Cullman)
Allen	Devers	Langley	Sanderson
Austin	Dobbs	Locke	Segrest
Boswell	Dominick	Martin	Sessions
Brown (Covington)	Doster	Matthews (Jackson)	Sightler
Brown (Lee)	Ellis	Mayhall	Spence
Carwile	Flowers	Miller	Taylor
Castleberry	Graham	McCord	Tidmore
Chewning	Hall	McDanal	Walden
Christopher	Hamilton	McGowin	Welch
Collier	Hardwick	Neighbors	White
Davis (Madison)	Hill (Lauderdale)	Owens	Wood

—48

Nays:

Messrs.:	Mathews (Clarke)	Norman (Lowndes)	Tucker
Delony	Norman (Bullock)	Robinson (Lowndes)	— 6

And said bill:

H. 703. To amend Section 6171 of the Code of Alabama of 1923.

As amended by the Report of the Committee on Conference, was again read a third time at length and passed.

Yeas, 48; Nays, 6.

Yeas:

Mr. Speaker	Dearman	Hill (Marion)	Robertson (Cullman)
Allen	Devers	Langley	Sanderson
Austin	Dobbs	Locke	Segrest
Boswell	Dominick	Martin	Sessions
Brown (Covington)	Doster	Matthews (Jackson)	Sightler
Brown (Lee)	Ellis	Mayhall	Spence
Carwile	Flowers	Miller	Taylor
Castleberry	Graham	McCord	Tidmore
Chewning	Hall	McDanal	Walden
Christopher	Hamilton	McGowin	Welch
Collier	Hardwick	Neighbors	White
Davis (Madison)	Hill (Lauderdale)	Owens	Wood

—48

Nays:

Messrs.:	Mathews (Clarke)	Norman (Lowndes)	Tucker
Delony	Norman (Bullock)	Robinson (Lowndes)	— 6

To the House of Representatives,
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the Body in which it originated, House Bill No. 803, without my approval.

The effect of this bill is to reduce the minimum fine for certain violations of the prohibition law from fifty dollars to one dollar. I am convinced that such reduction would not promote the cause of temperance in Alabama, and it is because of this strong conviction that I am returning this bill without my approval.

Respectfully,
FRANK M. DIXON,
Governor.

July 2, 1940.

GOVERNOR'S MESSAGE

The House proceeded to the consideration of the Message from His Excellency, the Governor containing his veto of H. 803.

And the House refused to pass said bill, H. 803, the veto of the Governor to the contrary notwithstanding.

Yeas, 12; Nays, 59.

Yeas:

Mr. Speaker	Brown (Lee)	Sanderson	Stone
Allen	Castleberry	Segrest	Tucker
Boswell	McCord	Snyder	Waler

—12

Nays:

Messrs.:	Dominick	Inge	Robertson (Cullman)
Austin	Doster	Kaul	Robinson (Lowndes)
Bagley	Ellis	Locke	Sadler
Ball	Flowers	Matthews (Jackson)	Sessions
Barnes	Garrett	Mayhall	Sightler
Brown (Covington)	Golson	Miller	Spence
Carwile	Graham	McDanal	Stallings
Chewning	Green	McGowin	Tidmore
Christopher	Gwin	Nation	Walden
Cobb	Hall	Neighbors	Wallace
Collier	Hamilton	Newman	Welch
Cook	Hardwick	Norman (Lowndes)	Weston
Davis (Madison)	Henson	Payne	Whigham
Delony	Hill (Marion)	Phillips	White
Devers	Hodo	Quarles	Wood

—59

REPORT OF CONFERENCE COMMITTEE

REPORT OF CONFERENCE COMMITTEE OF THE HOUSE AND SENATE TO CONSIDER THE DIFFERENCE BETWEEN THE TWO HOUSES RELATING TO THE SENATE AMENDMENT TO HOUSE BILL #666, BY MR. COBB.

To the Speaker of the House of Representatives and the President of the Senate:

Your Committee of conference appointed by both Houses to consider the difference between the two Houses with reference to the House Bill #666 by Mr. Cobb considered the same and respectfully report as follows:

We recommend that the Senate recede from its amendment whereby Tallapoosa County was added to the Counties named in the caption of the Bill as passed by the House and that House Bill #666 be amended in the following particulars:

AMENDMENT TO HOUSE BILL NO. 666

AMEND HOUSE BILL NO. 666 as follows:

(1) Strike out the caption thereof and substitute the following: "To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensations, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in each of the following named counties: Etowah and Cherokee.

(2) Amend Section 1 to read as follows:

"Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: 'The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following names counties: Etowah and Cherokee.

(3) AMEND Section 3 to read as follows:

"SECTION 3. That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: 'Shall the following be adopted as an amendment to the Constitution of Alabama?' The Legislature of Alabama may hereafter, from time to time by general or local laws, fix regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named

herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following names counties: Etowah and Cherokee. Yes..... No.....". The choice of the elector shall be indicated by a crossmark by him or her opposite the word expressing his or her desire".

That when so amended said Bill be passed by both Houses. Respectfully submitted by

ROY D. McCORD,
JAMES B. ALLEN,
LEM J. COBB,
Conferees on part of House.
T. H. STREET,
E. F. HILDRETH,
JOHN A. LUSK, Jr.,
Conferees on part of Senate.

On motion of Mr. Cobb, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 666.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Davis (Montgomery)	Hodo	Phillips
Allen	Dearman	Inge	Pool
Austin	Delony	Jenkins	Scott
Bagley	Devers	Kaul	Sherrer
Ball	Dobbs	Langan	Sightler
Barnes	Dominick	Lovelace	Smyer
Beck	Doster	Martin	Snyder
Booth	Ellis	Miller	Spence
Boswell	Graves	McCord	Stallings
Branyon	Green	McDanal	Stone
Chewning	Gwin	McGowin	Taylor
Christopher	Hall	Nation	Tidmore
Clayton	Hamilton	Neighbors	Toomer
Cobb	Hardwick	Newman	Tucker
Collier	Hare	Owens	White
Cook	Haynes	Payne	Wood
Davis (Madison)	Henson	Petrey	Young

—68

And said bill:

H. 666. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the fees, commission, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the

method and basis of their compensation, in each of the following named counties: Etowah, Cherokee

Be it Enacted by the Legislature of Alabama:

SECTION 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, in the following named counties: Etowah, Cherokee, Jackson, Tallapoosa, Walker

SECTION 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

SECTION 3. That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? "The Legislature of Alabama may hereafter, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation in the following named counties: Etowah, Cherokee Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

SECTION 4. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

SECTION 5. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections, except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as inelections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

As amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Davis (Montgomery)	Hodo	Phillips
Allen	Dearman	Inge	Pool
Austin	Delony	Jenkins	Scott
Bagley	Devers	Kaul	Sherrer
Ball	Dobbs	Langan	Sightler
Barnes	Dominick	Loveland	Smyer
Beck	Doster	Martin	Snyder
Booth	Ellis	Miller	Spence
Boswell	Graves	McCord	Stallings
Branyon	Green	McDanal	Stone
Chewning	Gwin	McGowin	Taylor
Christopher	Hall	Nation	Tidmore
Clayton	Hamilton	Neighbors	Toomer
Cobb	Hardwick	Newman	Tucker
Collier	Hare	Owens	White
Cook	Haynes	Payne	Wood
Davis (Madison)	Henson	Petrey	Young

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BILL ON THIRD READING

S. 405. To amend Section 1156 of the Code of 1923.

Was taken up. Mr. Norman, of Bullock, offered the following amendment to the bill, S. 405:

Amendment to Senate bill 405 by Norman of Bullock:

Amend Sub-Section (I) of Section I, of S. B. 405, to read as follows:

(I) Except as herein provided, each applicant for a marriage license shall file with the judge of probate a certificate from a county health officer or legally licensed physician setting forth that in his opinion the person is either not infested with syphilis or other venereal disease; or, if infected with syphilis, is not in a stage of that disease which is communicable. Such physician's certificate shall include the statement that an approved laboratory test for syphilis has been made, and, if indicated, other laboratory tests made. A legally licensed physician is one who is licensed to practice medicine in the State in which he resides or in which he maintains his office.

And the amendment offered by Mr. Norman, of Bullock, to the bill, S. 405, was adopted.

Yeas, 59; Nays, 0.

<i>Yeas:</i>			
Messrs.:	Devers	Martin	Robertson (Cullman)
Allen	Dobbs	Mathews (Clarke)	Robinson (Lowndes)
Austin	Doster	Mathews (Jackson)	Sadler
Bagley	Garrett	Mayhall	Sessions
Beck	Golson	McDanal	Sightler
Boswell	Graham	McGowin	Snyder
Branyon	Gwin	Nation	Spence
Brown (Covington)	Hall	Neighbors	Stallings
Carwile	Hamilton	Newman	Stone
Castleberry	Hill (Marion)	Norman (Bullock)	Taylor
Chewning	Hodo	Norman (Lowndes)	Tidmore
Collier	Inge	Owens	Waldrop
Cook	Kaul	Payne	Wallace
Davis (Madison)	Langley	Petrey	Whigham
Delony	Locke	Phillips	Wood

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Mr. Sanderson offered the following amendment to the bill, S. 405:

AMENDMENT TO SENATE BILL NO. 405, BY MR. SANDERSON

Amend Section One of Senate Bill No. 405 as follows:

By inserting in the first line of subsection One of said Section One before the word applicant and after the word each where the same appears in said line one of said Section One of said bill the word "male".

Mr. Hill (Marion) moved to lay the amendment offered by Mr. Sanderson to the bill, S. 405, on the table. And the motion to table was lost.

Yeas, 37; Nays, 41.

Yeas:

Mr. Speaker	Golson	Martin	Smyer
Beck	Graham	Mayhall	Snyder
Branyon	Gwin	Miller	Spence
Brown (Covington)	Hall	McDanal	Stallings
Carwile	Hamilton	McGowin	Tidmore
Chewning	Hare	Nation	Walden
Cook	Hill (Marion)	Robertson (Cullman)	Waldrop
Davis (Madison)	Hodo	Segrest	Wallace
Ellis	Kaul	Sessions	Welch
Gewin			

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Nays:

Messrs.:	Dominick	Neighbors	Sanderson
Bagley	Doster	Newman	Sherrer
Brown (Lee)	Garrett	Norman (Bullock)	Sightler
Castleberry	Green	Norman (Lowndes)	Stone
Christopher	Henson	Owens	Taylor
Cobb	Inge	Payne	Toomer
Collier	Langley	Phillips	Waller
Dearman	Locke	Quarles	Weston
Delony	Mathews (Clarke)	Robinson (Lowndes)	White
Devers	Mathews (Jackson)	Sadler	Young
Dobbs	McCord		

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On motion of Mr. Hill (Marion) the bills, S. 405 and S. 406, were indefinitely postponed.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolutions:

H. 578. To repeal an Act of the Legislature No. 116, House Bill No. 173, approved June 12, 1935, entitled, "An Act to fix and regulate guardian ad litem fees, commissions and allowances to be charged as court costs in all counties of this State having a population of 300,000 or more according to the last decennial Federal census or which may in the future have such a population according to any such Federal census which may hereafter be taken and to provide for the paying out of such fees, commissions or allowances to whomsoever may be entitled thereto; and to repeal all laws and parts of laws in conflict with this Act".

Also:

H. 686. To Protect the Forests of the State of Alabama, and to provide penalties for the violation hereof.

Also:

H. 846. To prohibit the use of steel traps and similar devices in Lowndes County, Alabama, and prescribe punishment for violation of this act.

Also:

H. 917. To adopt a Code of Laws for the State of Alabama.

Also:

H. 1028. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Also:

H. 1035. To provide for the distribution of the 1940 Code of Alabama, abridgements, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Also:

H. 1045. To provide for the division of Henry County, Alabama, into four Commissioners' Districts; to define the Boundary Lines thereof, by showing the Beats composing such Commissioners' Districts; to provide for the election of one member of the Court of County Commissioners from each of the said Commissioners' Districts, by the respective voters of each of said Commissioners' Districts; to fix their terms of office and the date of their election; to repeal sections 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at extraordinary Session, 1932, known as House Bill No. 537; and to repeal Sections 1, 2, 3, 4, and 5, of An Act passed, by the Legislature of Alabama, at Regular Session, 1935, known as House Bill No. 430.

Also:

H. 1053. To provide that in all counties of this State which now have or may hereafter have a population of more than 300,000 according to the last or any subsequent Federal Census, the Judge of the Probate Court of such counties may try inquisitions of lunacy with or without a jury; and to further provide that when a jury is demanded in such proceedings, said jury shall be impaneled in the same manner as is now provided for the trial of a will contest in the Probate Courts of this State.

Also:

H. 1054. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of 400,000 or more, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and costs of court for the performance of the duties authorized by this act.

Also:

H. 1057. To authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.

Also:

H. 1059. To regulate the use of steel traps and similar devices in Shelby County, Alabama, and prescribe punishment for the violation of this Act.

Also:

H. 1065. To amend Section 188 of the Military Code of Alabama as contained in the Act of the Legislature approved April 22, 1936, and entitled "An Act to revise, collate and codify into one Act the general statutes of the State of Alabama relating to the Militia, which Act shall constitute and be designated and cited as the Military Code of Alabama; to regulate and provide for the Military and Naval Forces of the State and promote the efficiency of these forces; to provide rules, regulations and means for their organization, armament, equipment, discipline, control and supervision; to provide for their maintenance, support and upkeep; to provide for their allocation, organization and equipment, discipline, training, and maintain these forces for State and National Emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia or Naval Reserves as now or as

these acts may be hereafter amended; to provide a Department, to be designated and known as the Department of Military and Naval Affairs, for the purpose of administration of all provisions of this Act and the execution of all rules and regulations written under this Act; to provide means for the enforcement of this Act; to repeal all code sections and all acts and parts inconsistent with this Act; and to fix penalties and punishments for the violation of this Act." so as better to provide for support of increases of the Alabama National Guard during peace or during National Emergencies, and for payment of obligations and expenses of the Armory Commission of Alabama.

Also:

H. 1068. To authorize, permit, and allow the Board of Revenue of Tuscaloosa County, Alabama, to authorize the installation and use of voting machines throughout said County or in one or more beats thereof, in all elections, general, special or primary, to thereafter held in said County, without submitting the question as to whether or not said voting machines shall be used in said elections to the vote of the electors of said County; and to provide that when a resolution is adopted authorizing the installation and use of such voting machines, they shall forthwith be acquired by the said Board of Revenue and used throughout said County or in the beat or beats thereof for which such voting machines are acquired in all said elections thereafter held in said County in conformity with and subject to the general law of the State of Alabama regulating the acquisition and use of voting machines by counties of the State of Alabama.

Also:

H. J. R. 142. That the legislature, the Senate concurring views with disfavor and grave concern any effort to organize a Union of State employees, same to be affiliated with either the A. F. L. or the C. I. O., for, if the right to strike were exercised it would transfer the power from the servants of this State elected by the people to the officials of the A. F. L. and the C. I. O. which is repugnant to every sense of democracy.

Also:

H. J. R. 144. To commend the Hon. W. S. Welch, Chairman, and Senator John A. Lusk, Jr., Vice-Chairman, and the members of the Code Committee for their work in revising, amending and correcting the work prepared by the Code Commissioner.

And find same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House in the Presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate requests that the House return to the Senate immediately the following bill, H. 673, so that the Senate may reconsider the Conference Report.

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo, the House acceded to the request of the Senate for the return to the Senate for further consideration the bill, H. 673.

And said bill was forthwith returned to the Senate.

RESOLUTION

The following resolution was introduced:

By Mr. Matthews of Jackson:

H. R. 145. WHEREAS, It is imperative that the government of the United States continue to recognize the responsibility of the government for human welfare, so that the vast forward strides

which have been made in the economic and social life of our nation since 1933 may not be curtailed or lost; and

WHEREAS, Unsettled world conditions demand that the government of the United States be headed by the person best fitted by ability, knowledge, training and experience to deal with the many complex problems arising out of such unsettled world conditions; and

WHEREAS, It is the patriotic duty of the Democratic Party to the nation to again offer to the people for the Presidency of the United States its most outstanding leader;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives that we publicly renew the faith of the people of Alabama in the present Democratic National Administration and call upon the forthcoming Democratic National Convention to renominate that peerless leader and great humanitarian, Franklin Delano Roosevelt, for the Presidency of the United States.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the President of the United States, the Chairman of the Democratic National Committee, the United States Senators and Congressmen from Alabama, the Chairman of the State Democratic Executive Committee of Alabama, the Democratic National Committeeman from Alabama, the Democratic National Committeewoman from Alabama, and each delegate and alternate delegate from Alabama to the forthcoming Democratic National Convention.

Mr. Matthews (Jackson) moved that the rules be suspended and the H. R. 145 be immediately considered by the House. The motion of Mr. Matthews (Jackson) was lost, and the H. R. 145 was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bills and returns same herewith to the House:

H. 614. To prevent the use of any state-owned property of any character or description, by any state officer or any state employee, for the promotion or advancement of the interest of any candidate for the nomination or election to any public office of the State of Alabama, and to provide penalty for its violation.

Also:

H. 791. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to

provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other States.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Walden, the House concurred in and adopted the Senate amendment to the bill, H. 614, said Senate amendment being as follows:

Amend House Bill 614 by amending section 2 by striking the words "on which" where the same appear together therein following the words "or any private owned vehicle" and substitute in lieu thereof the word "while".

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Delony	Mayhall	Sessions
Allen	Devers	Miller	Sightler
Austin	Dobbs	McCord	Smyer
Ball	Dominick	McDanal	Spence
Barnes	Doster	McGowin	Stallings
Beck	Ellis	Neighbors	Stone
Booth	Gewin	Newman	Taylor
Boswell	Graham	Norman (Bullock)	Tidmore
Branyon	Hall	Norman (Lowndes)	Toomer
Brown (Covington)	Hamilton	Owens	Walden
Brown (Lee)	Henson	Petrey	Waldrop
Chewning	Hill (Marion)	Phillips	Wallace
Christopher	Inge	Quarles	Welch
Collier	Locke	Robinson (Lowndes)	Whigham
Cook	Martin	Sadler	Wood
Davis (Madison)	Mathews (Clarke)	Sanderson	Young
Dearman	Matthews (Jackson)	Segrest	

—67

On motion of Mr. Dominick, the House concurred in and adopted the Senate amendment to the bill, H. 791, said Senate amendment being as follows:

Amend House Bill 791 by adding the following definition to Section 1:

(7) "Axle" means a shaft on which a wheel or wheels run, and for the purposes of this Act, two such shafts connected in tandem, and commonly known as a tandem axle, shall be considered one axle when not equipped with dual wheels on either end of either shaft of such tandem axle.

Amend House Bill 791 as follows:

Amend Section 2 of said bill by striking therefrom the following quoted portion of said Section, viz: "except that all vehicles domiciled in Alabama, and transporting property for hire and operating under the provisions of any reciprocal agreement made between the State of Alabama and any other State, after the effective date of this Act, shall pay ($\frac{1}{3}$) cent per axle, per mile. All vehicles operating within the State of Alabama may or may not participate in reciprocal agreements made between the State of Alabama and any other State; but all vehicles must register with the Department of Revenue of the State of Alabama under such reasonable rules and regulations as it may establish, as to participation in such reciprocal agreements. For the purposes of this Act a Motor Carrier shall be considered as domiciled in the State in which it is incorporated, and if not incorporated, in that State in which its central or home office is located." and in lieu of such stricken provision, insert the following: "Provided, however, that the rate of mileage tax of one-fourth cent ($\frac{1}{4}$ c) per mile, per axle, on all vehicles transporting property, for hire, shall be increased to one-third cent ($\frac{1}{3}$ c) per mile, per axle, with respect to the operation of such vehicle, in the event the motor carrier operating such vehicle, is domiciled in Alabama and elects to operate the same in any other State under the provisions of any reciprocal contract or agreement hereafter entered into and then effective between the State of Alabama and such other State, and provided further that such increased tax shall not exceed the amount of any tax benefit thus accruing to such motor carrier by reason of such operation of such vehicle in such other State. Any such election shall be evidenced by written declaration thereof filed with the State Department of Revenue, and any such reciprocal agreement may contain provisions restricting the benefits thereof to motor carriers who have filed such declaration of election hereunder."

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Cobb	Graham	McCord
Allen	Collier	Gwin	McDanal
Austin	Cook	Hall	Nation
Bagley	Davis (Madison)	Hamilton	Neighbors
Ball	Dearman	Hardwick	Newman
Beck	Delony	Hill (Marion)	Norman (Lowndes)
Boswell	Devers	Kaul	Owens
Branyon	Dobbs	Langley	Payne
Brown (Covington)	Dominick	Martin	Petrey
Brown (Lee)	Doster	Mathews (Clarke)	Phillips
Carwile	Ellis	Matthews (Jackson)	Quarles
Chewning	Gwin	Mavhall	Robertson (Cullman)
Christopher	Golson	Miller	Robinson (Lowndes)

Sadler
Segrest
Sessions
Sherrer

Smyer
Spence
Stallings
Stone

Taylor
Tidmore
Toomer
Walden

Waldrop
Wallace
Young

—67

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and, as amended has passed the following House bill and returns same herewith to the House:

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State; and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts, conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and order thereunder; to provide funds for the administration of this Act and to provide for punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Dominick, the House non-concurred in the Senate amendment to the bill, H. 792, said Senate amendment being as follows:

Amend House Bill No. 792 as follows:

Amend subsection A (3) of Section 2 of said bill by adding at the end thereof the following provision, viz:

"All motor vehicles hauling property for hire and exempt under subsection A (3) of Section 2 must before transporting such property secure a permit from the Department of Revenue of the State of Alabama, which permit shall be furnished without cost upon proper application. Such permit shall be issued under reasonable rules and regulations promulgated by the Department of Revenue of the State of Alabama."

Amend House Bill No. 792 as follows:

Amend subsection B of Section 11 of said bill by striking out the words "State Highway Commission" where they appear together therein, and by inserting inlieu thereof the words "State Highway Department."

Amend House Bill 792 as follows:

Amend Section 28 by changing the words and figures "One Thousand Dollars (\$1,000.00)" where the same occur therein, to read "Eighteen Hundred Dollars (\$1800.00)".

Amend Section F page 3 to read as follows:

Motor vehicles while used exclusively in the transportation of newspapers and magazines.

On motion of Mr. Dominick, the Committee on Conference was requested on the disagreement of the two houses on the Senate amendment to the bill, H. 792. The Speaker of the House named as the Committee of Conference on the part of the House Messrs. Dominick, Ellis and Norman (of Bullock).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended, has passed the following House bill and returns same herewith to the House:

H. 628. To Amend Sub-division (c) of Section 70, of Article 2 of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal viola-

tions, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes, and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue." Approved August 23, 1927.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Dominick, the House concurred in and adopted the Senate amendment to the bill, H. 628, said Senate amendment being as follows:

Senate Judiciary Committee amendment to House bill 628.

Amend said bill by substituting the figures "300" in lieu of the figures "200" where they appear in Section 1.

Yeas, 55; Nays, 0.

Yeas:

Mr. Speaker	Delony	Langley	Robertson (Cullman)
Allen	Dobbs	Locke	Robinson (Lowndes)
Austin	Dominick	Matthews (Jackson)	Sadler
Ball	Ellis	Mavhall	Segrest
Beck	Gewin	Miller	Spence
Boswell	Graham	McDanal	Taylor
Brown (Covington)	Green	Nation	Tidmore
Brown (Lee)	Gwin	Neighbors	Toomer
Carwile	Hall	Newman	Wallace
Chewning	Hamilton	Norman (Bullock)	Waller
Christopher	Henson	Norman (Lowndes)	Welch
Collier	Hill (Lauderdale)	Owens	Whigham
Cook	Inge	Payne	Young
Davis (Madison)	Kaul	Petrey	

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the vote by which it passed the bill H. 673:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Section 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

As amended by the Conference Committee report, and has also reconsidered the vote by which the Conference Committee Report was adopted, and returns the bill herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo, the House reconsidered the vote by which the bill, H. 673, as amended by the report of the Committee of Conference was passed. And on motion of Mr. Hodo, the House reconsidered the vote by which the report of the Committee on Conference on H. 673 was adopted. And on motion of Mr. Hodo, the bill, H. 673, was re-referred to the Committee on Conference heretofore appointed for further consideration.

RECONSIDERATION

On motion of Mr. McGowin, the House reconsidered the vote by which H. 728, as amended by the amendment of His Excellency, the Governor, was passed. And on motion of Mr. McGowin, the House reconsidered the vote by which the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 728.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill :

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; Nays, 0.

And said bill, H. 934, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 24; Nays, 0.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has passed the following House bill and returns same herewith to the House:

H. 775. For the relief of John C. Burns, and to appropriate for this purpose the sum of \$2,834.09 out of any monies in the State Treasury, not otherwise appropriated, in order to reimburse the said John C. Burns for the above sum paid by him, after protest and objection, to the State Treasury through the Alabama Public Service Commission and the State Tax Commission for mileage tax claimed to be due by said Alabama Public Service Commission and said State Tax Commission under the provisions of the Common Carrier Act of 1931, which said provisions of said Common Carrier Act of 1931 were held by the Supreme Court of Alabama inapplicable to the said John C. Burns, doing business under the firm style of Burns Transportation Company, in the case of State Tax Commission versus Burns Transportation Company by decision rendered on the 6th day of April, 1939.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 666. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensations, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in each of the following named counties: Etowah and Cherokee.

And said bill, H. 666, as thus amended by the report of the Conference Committee was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

S. 516. To provide for the election of a County Superintendent of Education of Marengo County, Alabama by the qualified electors thereof, and to prescribe the duties and fix the term and compensation of such officer, and for the repeal of all laws local or general in conflict with the provisions of this act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker

Allen

Austin

Bagley

Ball

Barnes

Beck

Booth

Boswell

Branyon

Cook

Dearman

Delony

Devers

Dobbs

Dominick

Doster

Ellis

Flowers

Garrett

Gewin

Golson

Graham

Graves

Green	McDanal	Quarles	Taylor
Gwin	McGowin	Sadler	Waldrop
Hall	Nation	Sessions	Wallace
Hamilton	Neighbors	Sherrer	Waller
Hardwick	Newman	Sightler	Welch
Hare	Owens	Smyer	Weston
Haynes	Payne	Snyder	Whigham
Henson	Petrey	Spence	White
Kaul	Phillips	Stallings	Wood
Langan	Pool	Stone	Young
McCord			

—65

S. 515. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in all counties of the State now having or which shall hereafter have a population of not less than 100,000 nor more than 175,000 according to the last or any succeeding Federal Census to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Ellis	Kaul	Quarles
Allen	Flowers	Langan	Sadler
Austin	Garrett	Langley	Stallings
Bagley	Gewin	Locke	Stone
Ball	Golson	Lovelace	Taylor
Barnes	Graham	Martin	Tidmore
Beck	Graves	McDanal	Toomer
Booth	Green	McGowin	Tucker
Boswell	Gwin	Nation	Walden
Branyon	Hall	Neighbors	Waldrop
Clayton	Hare	Newman	Wallace
Cobb	Haynes	Owens	Waller
Collier	Henson	Payne	Welch
Cook	Hodo	Petrey	White
Dobbs	Inge	Phillips	Wood
Dominick	Jenkins	Pool	Young
Doster			

—65

S. 211. To authorize the payment, certification or acceptance of, a check or other negotiable instrument or any other transaction by a bank or trust company in this state, done or performed on any Saturday between twelve o'clock noon and midnight, provided such payment, certification, acceptance or other transaction would be valid if done or performed before twelve o'clock noon on such Saturday.

Was read a third time at length and passed.

Yeas, 57; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Sherrer
Allen	Dominick	Mayhall	Sightler
Austin	Doster	Miller	Smyer
Ball	Ellis	McDanal	Stallings
Boswell	Flowers	McGowin	Stone
Brown (Covington)	Gewin	Nation	Taylor
Brown (Lee)	Graham	Neighbors	Tidmore
Carwile	Green	Newman	Toomer
Castleberry	Hamilton	Norman (Bullock)	Tucker
Chewning	Hodo	Payne	Wallace
Christopher	Inge	Petrey	Welch
Cook	Langan	Robinson (Lowndes)	Whigham
Davis (Madison)	Locke	Sadler	Wood
Dearman	Martin	Sanderson	Young
Delony			

—57

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 470. To authorize and provide for the payment of \$400 for the relief of Sam Little of Sumter County, Alabama, who was injured on the 20th day of September, 1936, while serving a sentence in the State Penitentiary from which he suffered permanent injuries, and provide the fund out of which said amount shall be paid.

Also:

H. 656. For the relief of the Pickwick Cafe, Inc. of Montgomery, Alabama, and to appropriate for the said Pickwick Cafe, Inc. the sum of \$285.93, said sum being a refund to the said Pickwick Cafe, Inc. of gross receipts taxes erroneously paid by said cafe to the State of Alabama for the months of January and February, 1937.

Also:

H. 1023. To authorize, require and provide for the payment of the sum of \$106.36 out of the funds in the State Treasury to the credit of the State Highway Department, for the relief of C. C. Cunningham, said sum being the actual amount paid by him for the repair of his automobile, which said automobile was damaged on March 17, 1936, on the State highway between Reform and Carrollton in Pickens County, Alabama, due to the negligence of the State Highway Department of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

And said bill, H. 703, as thus amended by the report of the Conference Committee was again read a third time at length and passed by the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill No. 728.

Respectfully submitted,
Roland Mushat
ROLAND MUSHAT
Secretary to the Governor.

July 2, 1940.

To the House of Representatives,
Montgomery, Alabama.
Gentlemen:

On today I returned to you, the Body in which it originated, House Bill No. 728.

I now and hereby request that said bill be returned to me without any action being taken upon the executive amendment proposed by me, in my message to you, of this date.

Respectfully,
Frank M. Dixon
FRANK M. DIXON
Governor

July 2, 1940.

GOVERNOR'S MESSAGE

On motion of Mr. Dominick, the House acceded to the request of the Governor to return to him, H. 728. And said bill, H. 728, was forthwith returned to His Excellency, the Governor.

BILL ON THIRD READING

S. 212. To fix limitations on revocations, countermands of payments and stop-payment orders relating to the payment of checks or drafts against bank accounts or relating to the payment of notes or acceptances payable at a bank.

Was read a third time at length and passed.

Yes, 45; Nays, 9.

Yeas:

Mr. Speaker	Doster	McGowin	Smyer
Allen	Gewin	Nation	Stallings
Austin	Gwin	Newman	Stone
Branyon	Hall	Norman (Bullock)	Taylor
Brown (Covington)	Hodo	Norman (Lowndes)	Tidmore
Chewning	Inge	Payne	Toomer
Cook	Langley	Robertson (Cullman)	Tucker
Davis (Madison)	Locke	Robinson (Lowndes)	Waldrop
Dearman	Martin	Sadler	Wallace
Delony	Mathews (Clarke)	Sessions	Welch
Dobbs	McDanal	Sherrer	Wood
Dominick			

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Nays:

Messrs.:	Beck	Hardwick	Segrest
Ball	Boswell	Henson	Young
Barnes	Flowers		

— 9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill:

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, services, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts, conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional as-

sistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and orders thereunder; to provide funds for the administration of this Act; to provide for punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

And Messrs. Shaver, Harrison and Simpson were appointed as Conferees on the part of the Senate.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 593. To authorize and provide for the payment of the sum of \$250.00 for the relief of Jacob Laagar of Madison County, Alabama, who was permanently injured while employed by the State of Alabama in the line and scope of his employment.

Also:

H. 385. To appropriate out of any money in the State Treasury not otherwise now appropriated the sum of \$5,000 to place on the grounds of the building now being erected in Montgomery, Alabama, known as the Memorial Building a monument dedicated to the memory of the Spanish-American War Veterans of Alabama, and World War Veterans of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has re-referred the bill, H. 673, to the Committee on Conference.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 673

Said Conference Report being in the following words and figures, to-wit:

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Your Conference Committee appointed by the Senate and House of Representatives to consider the differences between the Senate and House respectively as to H. B. 673, do respectfully report and recommend as follows:

1. That the Senate and House respectively do recede from their respective positions as to said section 1 and that the same be amended to read as follows:

SECTION 1. That Section 7542 of the Code of Alabama of 1923 be amended to read as follows:

7542. LEGAL SERVICES. No part of the compensation payable under this law shall be paid to attorneys for the claimant for legal services unless upon the application of a claimant to a judge of the circuit court such judge shall order or approve of the employment of an attorney by the claimant, and in such event the judge when awarding compensation shall after inquiry and, if he deems it desirable, a full hearing thereon, fix the fee of the attorney for the claimant for his legal services in such amount as the judge shall deem reasonable, and the manner of its payment; but such fee shall not exceed fifteen per cent of the first three hundred dollars and ten per cent of any sum in excess of three hundred dollars of the compensation awarded or paid.

2. That there be added Section 17 to read as follows:

SECTION 17. That Section 7567 of the Code of Alabama of 1923, as amended by Act No. 29, of the General laws of the Legislature of Alabama passed at the Extraordinary Session of 1936, be amended to read as follows:

7567. MEDICAL, SURGICAL AND HOSPITAL SERVICE. In addition to the compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first ninety days of disability, or in case of death within said ninety days, obtained during the period occurring between the time of the injury and his death therefrom. The total liability of the employer under this section shall not exceed the aggregate of two hundred dollars, and the pecuniary liability of the employer for such services rendered the employee shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service, or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay as much as said two hundred dollars, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal hav-

ing jurisdiction of the claim of the injured employee for compensation. In addition to the medical and surgical treatment provided during ninety days of disability, the employer may, if he so elects, furnish to the injured employee such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus for such time thereafter as he desires to furnish the same, and the employee shall accept the same; if the employer furnishes such medical and surgical attention and supplies during such ninety day period he shall not be liable under this section, except for such of said services and supplies as may, in an emergency, be procured by the employee elsewhere; in no event, however, shall the total liability hereunder exceed two hundred dollars. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to submit to medical and surgical treatment and attention, or refuses to accept the medical service which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same.

3. Your committee further reports and recommends as follows:

That the figures "1940", wherever they appear in Sections 15, 21, and 22 of said Bill, be changed to read "1941".

4. That Section 16 of said Bill be amended to read as follows:

SECTION 16. That Section 7563 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936, be amended to read as follows:

7563. LIMITATION ON COMPENSATION. In no case hereunder, except as otherwise provided herein, shall the compensation paid hereunder be more than Eighteen Dollars per week, nor less than Five Dollars per week, and in no case shall the total amount exceed Six Thousand Dollars.

Respectfully submitted,
PRESTON CLAYTON,
J. A. LUSK, Jr.,
J. A. SIMPSON,
Committee from the Senate.
MARK HODO,
J. FRED WOOD,
Committee from the House.

And said bill, H. 673, as thus amended by the report of the Conference Committee was again read a third time at length and passed by the Senate.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Hodo, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 673, said report of said committee of Conference being set out in the above and foregoing Message from the Senate.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Sessions
Allen	Dominick	Mayhall	Sherrer
Austin	Doster	Miller	Sightler
Barnes	Flowers	McDanal	Smyer
Beck	Gewin	McGowin	Snyder
Boswell	Graham	Nation	Stallings
Branyon	Green	Neighbors	Stone
Brown (Covington)	Gwin	Norman (Bullock)	Tidmore
Brown (Lee)	Hall	Norman (Lowndes)	Tucker
Carwile	Hardwick	Payne	Walden
Chewning	Hare	Petrey	Waldrop
Christopher	Hodo	Phillips	Wallace
Collier	Inge	Pool	Welch
Cook	Langley	Robertson (Cullman)	Whigham
Davis (Madison)	Locke	Robinson (Lowndes)	White
Dearman	Martin	Sadler	Young
Devers			

—65

And said bill:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

As amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Mathews (Clarke)	Sessions
Allen	Dominick	Mayhall	Sherrer
Austin	Doster	Miller	Sightler
Barnes	Flowers	McDanal	Smyer
Beck	Gewin	McGowin	Snyder
Boswell	Graham	Nation	Stallings
Branyon	Green	Neighbors	Stone
Brown (Covington)	Gwin	Norman (Bullock)	Tidmore
Brown (Lee)	Hall	Norman (Lowndes)	Tucker
Carwile	Hardwick	Payne	Walden
Chewning	Hare	Petrey	Waldrop
Christopher	Hodo	Phillips	Wallace
Collier	Inge	Pool	Welch
Cook	Langley	Robertson (Cullman)	Whigham
Davis (Madison)	Locke	Robinson (Lowndes)	White
Dearman	Martin	Sadler	Young
Devers			

—65

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Your conference committee appointed by the Senate and House of Representatives to consider the difference between the Senate and House, respectively, as to House Bill 792, do respectfully report and recommend as follows:

1. That the Senate do recede from its amendment to Sec. 28, and that the other Senate Amendments be adopted, and that said Bill be passed as thus amended.

Respectfully submitted,
 CHAS. E. SHAVER,
 KARL C. HARRISON,
 J. A. SIMPSON,
 Conferees on the part of the
 Senate.
 AUBREY DOMINICK,
 C. D. NORMAN,
 L. H. ELLIS,
 Conferees on the part of the
 House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 792.

Said Conference report being in the following words and figures, to-wit:

And said bill, H. 792, as thus amended by the report of the Conference Committee was again read a third time at length and passed by the Senate.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Dominick, the House concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the Senate amendment to the bill, H. 792, said report of said Committee of Conference being set out in the above and foregoing Message from the Senate.

Yeas, 76; Nays, 0.

Yeas:

Mr. Speaker	Devers	Martin	Segrest
Allen	Dobbs	Mathews (Clarke)	Sherrer
Austin	Dominick	Mayhall	Sightler
Bagley	Doster	Miller	Smyer
Ball	Ellis	McCord	Stallings
Barnes	Flowers	McDanal	Stone
Beck	Gewin	McGowin	Taylor
Boswell	Golson	Nation	Tidmore
Branyon	Graham	Neighbors	Tucker
Brown (Covington)	Green	Newman	Walden
Brown (Lee)	Gwin	Norman (Bullock)	Waldrop
Carwile	Hall	Owens	Wallace
Chewning	Hardwick	Payne	Waller
Christopher	Hare	Petrey	Welch
Cobb	Henson	Pool	Weston
Collier	Hill (Marion)	Robertson (Cullman)	Whigham
Cook	Inge	Robinson (Lowndes)	White
Davis (Madison)	Langley	Sadler	Wood
Dearman	Locke	Sanderson	Young

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And said bill:

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State and of such brokers, and of their rates, fares, and charges, service, rules, regulations and practices, facilities and equipment; certificates, permits, licenses, franchises and contracts, conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the

provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and orders thereunder; to provide funds for the administration of this Act and to provide for the punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

As amended by the report of the Committee of Conference was again read a third time at length and passed.

Yeas, 76; Nays, 0.

Yeas:

Mr. Speaker	Devers	Martin	Segrest
Allen	Dobbs	Mathews (Clarke)	Sherrer
Austin	Dominick	Mayhall	Sightler
Bagley	Doster	Miller	Smyer
Ball	Ellis	McCord	Stallings
Barnes	Flowers	McDanal	Stone
Beck	Gewin	McGowin	Taylor
Boswell	Golson	Nation	Tidmore
Branyon	Graham	Neighbors	Tucker
Brown (Covington)	Green	Newman	Walden
Brown (Lee)	Gwin	Norman (Bullock)	Waldrop
Carwile	Hall	Owens	Wallace
Chewning	Hardwick	Payne	Waller
Christopher	Hare	Petrey	Welch
Cobb	Henson	Pool	Weston
Collier	Hill (Marion)	Robertson (Cullman)	Whigham
Cook	Inge	Robinson (Lowndes)	White
Davis (Madison)	Langley	Sadler	Wood
Dearman	Locke	Sanderson	Young

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RESOLUTION

The following resolution was introduced:

By Mr. Welch:

H. J. R. 146. Resolved by the House, the Senate concurring, that the Secretary of State, the Doorkeeper of the House, and the Doorkeeper of the Senate, be, and they are hereby relieved of responsibility and liability for the Codes and other books placed on the desks of members of the House and Senate for their use during this session of the Legislature.

On motion of Mr. Welch, the rules were suspended and the H. J. R. 146 was adopted.

RECESS

On motion of Mr. Dominick, the House recessed until eight-thirty o'clock, P.M., tonight.

NIGHT SESSION

The hour of eight-thirty o'clock, P.M., having arrived, the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 692. To provide for the Establishment, Regulation, Protection, and Management of Wildlife Management Areas, and to provide the penalties for the violation of this act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 146. Relative to relieving Doorkeepers of respective Houses from liability of Code and other books of members of Legislature.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 157. To provide for the punishment of any person who defaces, or permits same to be done, any trade mark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, or motor vehicles, refrigerators, furniture, household or office equipment or any other personal property, when said property is encumbered with a mortgage, conditional sale contract or other lien.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 498. To provide for the distribution of the 1940 Code of Alabama, abridgments, editions or portions thereof; to provide for the conservation of the sets distributed; to authorize the sale thereof and to provide an appropriation to carry out the purposes of this act.

Also:

S. 364. To conserve Crude Petroleum Oil and Natural Gas; to create a State Oil and Gas Board, and to define its powers and duties; to provide for and designate a State Oil and Gas Supervisor and to define his powers and duties; to authorize such board to promulgate rules and regulations for the enforcement of the provisions of the act, and to conserve oil and gas; to provide penalties for the violation of the provisions of the act or the regulations promulgated thereunder; to repeal Sections 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, and 5097 of the 1923 Code of Alabama; and to repeal all other laws and parts of laws in conflict with this Act.

Also:

S. 379. To establish a county court of Jackson County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Probate Court of Jackson County, Alabama, to the Jackson County Court; and to provide for the transfer of certain cases pending in said Jackson County Court to the equity side of the Circuit Court of Jackson County, Alabama.

Also:

S. 484. Authorizing the establishment of a State Crop Improvement Committee, whose duties it shall be to appoint and designate an agency or agencies of seed producers within the State of Alabama for the purpose of promoting production of pure seed of superior varieties; to certify seed and plant parts; authorizing the certification of seeds or plant parts; to regulate the relations of said Committee to its certifying agents and its financial responsibility therefor; to provide for the manner and form of certification; authorizing the agency or agencies designated by the said Committee to make rules and regulations; and to provide penalties for violation of the Act.

Also:

S. 312. Relating to reciprocal agreements between the Alabama Department of Agriculture and Industries and those of other states pertaining to fees for inspection certificates or permits.

Also:

S. 374. To amend Section 7028 of the Code of Alabama of 1923, by providing that Railroad Companies may own and operate motor vehicles and aeroplanes for the transportation of persons or property, and may acquire property, rights and franchises of others engaged in such transportation, and may acquire and own capital stock of corporations and may enter into agreements with others engaged in or authorized to engage in such transportation; and providing regulations governing such transportation.

Also:

S. 506. To further regulate the employees in the service of the State of Alabama; to provide for the reemployment or restoration of status of such employees who have enlisted or served in any of the armed forces of the United States.

Also:

S. 363. To amend Section 1883 of the Code of Alabama, 1923.

Also:

S. 292. To Amend Section 6898 of the Code of Alabama of 1923.

Also:

S. 444. To require the county governing body of each county in which a circuit solicitor, deputy circuit solicitor, or an assistant deputy circuit solicitor resides, to provide such circuit solicitor, deputy circuit solicitor, or assistant deputy circuit solicitor, with adequate office space or rooms; and to provide that the State shall furnish such offices and officers with telephone service, stationery,

stamps, and other necessary equipment for the use of such offices and officers; and to make an appropriation therefor.

Also:

S. 211. To authorize the payment, certification or acceptance of, a check or other negotiable instrument or any other transaction by a bank or trust company in this state, done or performed on any Saturday between twelve o'clock noon and midnight, provided such payment, certification, acceptance or other transaction would be valid if done or performed before twelve o'clock noon on such Saturday.

Also:

S. 212. To fix limitations on revocations, countermands of payments and stop-payment orders relating to the payment of checks or drafts against bank accounts or relating to the payment of notes or acceptances payable at a bank.

Also:

S. 515. To authorize the Courts of County Commissioners, Boards of Revenue, or Courts of like jurisdiction in all counties of the State now having or which shall hereafter have a population of not less than 100,000 nor more than 175,000 according to the last or any succeeding Federal Census to furnish the public buildings, including courthouses, jails, and almshouses, and the various county officials' offices located within such counties and the several county officers with equipment, conveniences, office supplies and necessities.

Also:

S. 516. To provide for the election of a County Superintendent of Education of Marengo County, Alabama by the qualified electors thereof, and to prescribe the duties and fix the term and compensation of such officer, and for the repeal of all laws local or general in conflict with the provisions of this act.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills:

H. 385. To appropriate out of any money in the State Treasury not otherwise now appropriated the sum of \$5,000 to place on the grounds of the building now being erected in Montgomery, Alabama, known as the Memorial Building a monument dedicated to the memory of the Spanish-American War Veterans of Alabama, and World War Veterans of Alabama.

Also:

H. 470. To authorize and provide for the payment of \$400 for the relief of Sam Little of Sumter County, Alabama, who was injured on the 20th day of September, 1936, while serving a sentence in the State Penitentiary from which he suffered permanent injuries, and provide the fund out of which said amount shall be paid.

Also:

H. 593. To authorize and provide for the payment of the sum of \$250.00 for the relief of Jacob Laagar of Madison County, Alabama, who was permanently injured while employed by the State of Alabama in the line and scope of his employment.

Also:

H. 614. To prevent the use of any state-owned property of any character or description, by any state officer or any state employee, for the promotion or advancement of the interest of any candidate for the nomination or election to any public office of the State of Alabama, and to provide penalty for its violation.

Also:

H. 628. To Amend Sub-division (c) of Section 70, of Article 2 of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and

provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes, and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue." Approved August 23, 1927.

Also:

H. 656. For the relief of the Pickwick Cafe, Inc. of Montgomery, Alabama, and to appropriate for the said Pickwick Cafe, Inc. the sum of \$285.93, said sum being a refund to the said Pickwick Cafe, Inc. of gross receipts taxes erroneously paid by said cafe to the State of Alabama for the months of January and February, 1937.

Also:

H. 666. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the first Monday in November, 1940, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensations, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in each of the following named counties: Etowah and Cherokee.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time

by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah and Cherokee.

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the first Monday in November, 1940, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: 'Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Equity Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah and Cherokee. Yes..... No.....'. The choice of the elector shall be indicated by a crossmark by him or her opposite the word expressing his or her desire.

Section 4. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections, except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 673. To amend Sections 7542, 7543, 7550, 7555, 7566, 7573, 7584, 7587, 7589, 7590, 7591, 7592, 7593, and 7594 of the Code of Alabama of 1923; and to amend Sections 7547, 7563, 7567, and 7596 of the Code of Alabama of 1923, as amended by Act Number 29 of the General Laws of the Legislature of Alabama passed at the Extraordinary Session of 1936; and to repeal Sections 7595, and 8329 of said Code; to provide penalties for non-compliance with the provisions of this Act; to repeal all laws and parts of laws, general, special and local in conflict herewith; to provide that sections of this Act are separate and severable; to provide for the preservation of the right of action; and to provide for the effective date of this Act.

Also:

H. 703. To amend Section 6771 of the Code of Alabama of 1923.

Also:

H. 775. For the relief of John C. Burns, and to appropriate for this purpose the sum of \$2,834.09 out of any monies in the State Treasury, not otherwise appropriated, in order to reimburse the said John C. Burns for the above sum paid by him, after protest and objection, to the State Treasury through the Alabama Public Service Commission and the State Tax Commission for mileage tax claimed to be due by said Alabama Public Service Commission and said State Tax Commission under the provisions of the Common Carrier Act of 1931, which said provisions of said Common Carrier Act of 1931 were held by the Supreme Court of Alabama inapplicable to the said John C. Burns, doing business under the firm style

of Burns Transportation Company, in the case of State Tax Commission versus Burns Transportation Company by decision rendered on the 6th day of April, 1939.

Also:

H. 791. To provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other States.

Also:

H. 934. To amend Section 16 of Schedule 159 of Section 348 of Chapter 6 of Article XIII of an Act entitled "An Act to provide for the General Revenue of the State of Alabama" approved July 10, 1935, (General Acts 1935 p. 256, 544).

Also:

H. 1023. To authorize, require and provide for the payment of the sum of \$106.36 out of the funds in the State Treasury to the credit of the State Highway Department, for the relief of C. C. Cunningham, said sum being the actual amount paid by him for the repair of his automobile, which said automobile was damaged on March 17, 1936, on the State highway between Reform and Carrollton in Pickens County, Alabama, due to the negligence of the State Highway Department of Alabama.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolution:

H. 157. To provide for the punishment of any person who defaces, or permits same to be done, any trade mark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, or motor vehicles, refrigerators, furniture, household or office equipment or any other personal property, when said property is encumbered with a mortgage, conditional sale contract or other lien.

Also:

H. 692. To provide for the Establishment, Regulation, Protection, and Management of Wildlife Management Areas, and to provide the penalties for the violation of this act.

Also:

H. 792. Defining common carriers and contract carriers by motor vehicle, brokers and licensees, as related to the subject matter of this Act; to provide for the regulation, supervision and control of such common and contract carriers by motor vehicle, which own, control, operate or manage motor vehicles used for the transportation of persons or property for compensation on the highways of this State; and of such brokers, and of their rates, fares and charges, services, rules, regulations and practices, facilities and equipment; certificates, permits, licences, franchises and contracts, conferring jurisdiction, power and authority upon the Alabama Public Service Commission to administer, execute and enforce the provisions of this Act; to provide compensation for the members of said Commission for the additional duties imposed hereunder; to authorize the Commission's employment of such additional assistants as are necessary for the administration and enforcement of this Act; to provide for the payment of fees by common and contract carriers and by such brokers; to provide for the enforcement of this Act and of the Commission's regulations and orders thereunder; to provide funds for the administration of this Act and to provide punishment and penalties for the violation of this Act and of the Commission's regulations and orders thereunder; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. J. R. 146. Resolved that the Secretary of State, the Doorkeeper of the House and the Doorkeeper of the Senate be and hereby are relieved of responsibility and liability for the Codes and other books placed on desks of members of the House and Senate during this session of the Legislature.

And finds same correctly enrolled

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the Presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

REPORT OF STANDING COMMITTEE ON REVISION
OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that we have examined the Journal of the House for the fiftieth legislative day and find the same to be correct.

T. T. Bagley,
Charman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the Fiftieth Legislative Day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal for the fiftieth legislative day was approved.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:00 A. M. on July 2, 1940:

H. 627.

H. 644.

H. 648.

H. 728.

H. 818.

H. 934.

H. 938.

H. 998.

H. 1017.

H. J. R. 139.

Delivered to the Governor at 4:20 P. M. on July 2, 1940:

H. 578.

H. 686.

H. 846.

H. 917.

H. 1028.

H. 1035.

H. 1045.

H. 1053.

H. 1054.

H. 1057.

H. 1059.

H. 1065.

H. 1068.

H. J. R. 142.

H. J. R. 144.

Delivered to the Governor at 11:10 P. M. on July 2, 1940:

H. 385.

H. 470.

H. 593.

H. 614.

H. 628.

H. 656.

H. 673.

H. 703.

H. 775.

H. 791.

H. 934.

H. 1023.

Delivered to the Governor at 11:35 P. M. on July 2, 1940:

H. 157.

H. 692.

H. 792.

H. J. R. 146.

R. T. Goodwyn, Jr.,
Clerk.

CERTIFICATE OF CLERK

To the House of Representatives.

I hereby certify that House Bill No. 666 was delivered to the Secretary of State of the State of Alabama at 11:10 P. M. on July 2nd, 1940 and that I hold his receipt for said bill, H. 666.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT SINE DIE

On motion of Mr. Beck, the House at 11:55 P. M. adjourned sine die.

HUGH D. MERRILL,
Speaker of the House of
Representatives of the Legislature
of Alabama, Regular Session, 1939.

Attest:

R. T. Goodwyn, Jr.,
Clerk of the House of Representatives
of the Legislature of Alabama,
Regular Session, 1939.

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ACKNOWLEDGMENTS—

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ACTS AMENDED—

Act approved March 4, 1901, Cleburne County Commissioners districts, and election of commissioners, H. 1040, pp. 2381, 2531, 2735, 3083, 3148, 3182.

Act approved April 4, 1911, Section 23, as amended; establishing Inferior Court in Madison County, H. 777, pp. 1638, 1732, 1899, 2343, 2357, 2512.

Act approved April 8, 1911, Section 5; creating commission form of government in Mobile County, H. 683, pp. 1411, 1584, 1687, 1696, 1959, 1964, 2123.

Act approved April 8, 1911, Section 15; creating commission form of government in cities not within operation any other valid legislative enactment, H. 807, pp. 1701, 2043, 2160, 2669, 2679, 2783.

Act approved April 8, 1911, creating commission form of government in certain cities, H. 457, pp. 1229, 1583, 1686, 1696, 1959, 1963, 2123.

Act approved February 24, 1915; scholarship given by United Daughters of Confederacy, H. 1017, pp. 2254, 2390, 2709, 3340, 3341, 3350, 3421.

Act approved August 20, 1915, Section 27; government of cities population 100,000 or more, H. 1030, p. 2377.

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Act approved Sept. 19, 1923 as amended, Sections 6 and 11; establishing Board of Revenue in Marengo County, S. 112, pp. 735, 738, 859, 1019, 1071.

Act approved Sept. 26, 1923, Section 7, as amended; establishing Inferior Court of Autauga County, H. 662, pp. 1403, 1729, 2155.

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Act approved Sept. 29, 1923, Sections 3, 4, 5 & 7, H. 1031, pp. 2377, 2685, 2828.

Act approved Feb. 10, 1927, Sects. 2, 3 & 4, as amended; agents of insurance companies, H. 696, pp. 1418, 2262, 2718.

Act approved July 9, 1927, Section 2; Mobile County, H. 876, pp. 1873, 2045, 2160, 2670, 2681, 2783.

Act approved July 9, 1927, Section 2; deputy clerks of Inferior Criminal Court of Mobile County, H. 621, pp. 1332, 1429, 1685.

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- Act approved July 22, 1927, repealing Section 24; establishing DeKalb County Court, H. 255, pp. 424, 524, 628, 822, 829, 854.
- Act approved Aug. 11, 1927, creating Board of Revenue for Etowah County, S. 417, pp. 2077, 2081, 2139, 2272, 2374.
- Act approved Aug. 11, 1927, validating elections held under Alabama School Code, H. 318, pp. 688, 838, 1243.
- Act approved Aug. 20, 1927, Section 2, amending act relating to Solicitor of Monroe County, S. 202, pp. 1443, 1452, 1733, 1834, 1951.
- Act approved Aug. 23, 1927, Sections 48 and 49; establishing State Highway Department, S. 231, pp. 1901, 1924, 2401.
- Act approved Aug. 23, 1927, Sections 40, 41 and 42; public roads, highways and bridges, H. 69, pp. 100, 119, 251.
- Act approved Aug. 23, 1927, Section XVI; public roads, highways and bridges, H. 22, p. 86.
- Act approved Aug. 23, 1927, Section 31; public roads, highways and bridges, H. 34, pp. 90, 845, 1387.
- Act approved Aug. 23, 1927, Section 31; public roads, highways and bridges, S. 19, p. 293.
- Act approved Aug. 23, 1927, Section 1, as amended; public roads, highways and bridges, H. 119, p. 170.
- Act approved Aug. 23, 1927, establishing State Highway Dept. and State Highway Commission, H. 628, pp. 1335, 1420, 1661, 3394, 3414, 3421.
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- Act approved Aug. 31, 1927, so as to provide any bonds issued pursuant to act may be refunded prior to maturity dates, H. 1027, p. 2375.
- Act amending act approved Sept. 6, 1927, Sections 4 and 6; Judge of county court of Walker County, H. 148, pp. 186, 210, 245, 311, 334, 375.
- Act approved Sept. 7, 1927, Section 6; Credit Unions, H. 563, p. 1283.
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- Act approved Feb. 25, 1931, Section 13; primary elections, H. 647, pp. 1373, 1427, 1753, 1780, 3170, 3173, 3183.
- Act approved Feb. 25, 1931, Sections 5 and 29; primary elections, H. 844, pp. 1791, 1893, 2655, 3111, 3150, 3182.
- Act approved Feb. 25, 1931, Section 14 and 16 primary elections, H. 410, p. 1215.
- Act approved March 4, 1931, as amended; commission form of government in cities population 40,000 to 67,000, H. 901, pp. 1886, 2051, 2162, 3032, 3055, 3150, 3182.
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- Act approved March 6, 1931, commission form of government in all cities 22,000 to 60,000 population, S. 279, pp. 1462, 1464, 1497, 1601, 1667.
- Act approved March 6, 1931, commission form of government in class "D" cities, H. 167, pp. 226, 260, 305, 566, 601, 637.
- Act approved June 19, 1931, Alabama Motor Carrier Act, H. 974, p. 2136.
- Act approved July 10, 1931, Sections 1, 9, 14 and 15, as amended, H. 156, pp. 209, 252, 256.
- Act approved July 10, 1931, Section 2, H. 139, pp. 184, 391, 561, 571, 1081, 1130, 1202.
- Act approved July 16, 1931, protection of salt water shrimp, H. 744, pp. 1561, 1652, 2199, 3138, 3167, 3183.
- Act approved July 17, 1931, Section 4, as amended; election Autauga County Superintendent of Education, H. 1015, pp. 2253, 2395, 2544, 2921, 2941, 3181.

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- Act approved Aug. 4, 1931, Section 22; cities population 20,000 to 50,000 police and fire departments, S. 81, pp. 444, 470, 525, 596, 600.
- Act approved Sept. 27, 1932, repealing Section 9-A; Budget and Financial Control Act, H. 86, p. 111.
- Act approved Sept. 27, 1932, repealing Sections 1 to 9-A; Budget and Financial Control Act, H. 72, pp. 101, 256, 350, 377, 799, 826, 854, 875, 918, 935, 1020.
- Act approved Sept. 27, 1932, Sections 11 to 17 and 19 to 23 and Section 25; Budget and Financial Control Act, S. 34, pp. 745, 746, 837, 1024, 1092, 1124, 1136.
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- Act approved Nov. 7, 1932, Section 32½; appropriation for expenses Executive, Legislative and Judicial Departments, etc., H. 473, p. 1239.
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- Act approved March 23, 1933, Section 1; travelling per diem of State employees, H. 764, p. 1632.
- Act approved March 28, 1933, Section 1; Ex-Officio Clerk, Mobile County, H. 877, pp. 1874, 2045, 2161, 2670, 2681, 2783.
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- Act approved Feb. 8, 1935, sections 4, 15, 16 and 26, as amended; housing authorities, S. 76, pp. 831, 832, 1027, 1119, 1136.

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- Act approved Feb. 8, 1935, Section 1; trustees and other fiduciaries investing in mortgages insured under National Housing Act, S. 121, pp. 796, 799, 839, 971, 1024, 1088, 1133.
- Act approved Feb. 8, 1935, Section 24; creating housing authorities under approval of Public Works Board of Alabama, H. 518, p. 1259.
- Act approved May 20, 1935, Section 1; additional Deputy Sheriff for Elmore County, H. 411, pp. 1215, 1428, 1540, 1958, 1963, 2123.
- Act approved June 6, 1935, Section 2; burglary, H. 805, pp. 1700, 2032, 2654.
- Act approved June 6, 1935; burglary, H. 622, p. 1333.
- Act approved June 12, 1935, Section 3; salary of Tax Assessor of Tuscaloosa County, H. 303, pp. 652, 698, 929, 1453, 1467, 1552.
- Act approved June 12, 1935, Section 3; salary of Tax Collector of Tuscaloosa County, H. 302, pp. 651, 698, 929, 1453, 1466, 1467, 1552.
- Act approved June 12, 1935, Section 3; relating to Office of Judge of Probate, Tuscaloosa County, H. 248, pp. 381, 587, 661, 820, 827, 854.
- Act approved June 26, 1935; establishing Inferior Court in Macon County, H. 283, pp. 580, 655, 712, 862, 935, 1020, 1108.
- Act approved June 26, 1935, establishing Inferior Court in Macon County, H. 801, pp. 1698, 1890, 2088, 2456, 2516, 2672.
- Act approved July 10, 1935, Section 7; as amended; toll bridges, H. 756, pp. 1566, 1724.
- Act approved July 10, 1935, Section 2 of Article 1, H. 897, p. 1885.
- Act approved July 19, 1935, Sections 3, 4, 5 and 6; State Toxicologist, H. 218, pp. 318, 2040, 2180, 2216, 2815, 2930, 3180.
- Act approved Aug. 12, 1935, Section 34; amending Act amending Chapter 20 of Code of 1907, H. 873, pp. 1872, 2047, 2410.
- Act approved Aug. 12, 1935, Section 42, H. 845, p. 1791.
- Act approved Aug. 13, 1935; minimum age children may enter public schools, H. 388, pp. 941, 2041, 3144.
- Act approved Aug. 23, 1935, title and sections 5 and 6; Armory Commission, H. 772, pp. 1635, 1736, 2284, 3084, 3120, 3181.
- Act approved Aug. 27, 1935, Sections 4, 5, 7 and 8; State Dept. of Public Welfare, H. 260, pp. 516, 588, 668, 803, 804, 829, 854.
- Act approved Aug. 28, 1935; county wide civil service system, H. 942, pp. 1988, 2140, 2277, 2770, 2791, 2928.
- Act approved Aug. 28, 1935; civil service system in counties of population 200,000 or more, H. 373, pp. 834, 859, 973, 1138, 1167, 1203.
- Act approved Sept. 2, 1935, Sections 2, 3, 6, 9 and 10; abolishing commissioners court of Clay County, S. 140, pp. 797, 799, 842, 923, 1013.
- Act approved Sept. 2, 1935, Section 2; providing for public safety, H. 16, p. 56.
- Act approved Sept. 2, 1935, Section 6; regulating operation of motor vehicles, H. 120, p. 170.
- Act approved Sept. 6, 1935, Section 1, H. 75, pp. 103, 121, 156, 221, 225, 247.
- Act approved Sept. 6, 1935, Section 2; appointment of Chief Clerk by Solicitor for 13th Judicial Circuit (Mobile County), H. 595, pp. 1294, 1343, 1547, 1773, 1851, 1961.
- Act approved Sept. 7, 1935 as amended, Section 10; freeing of toll bridges, H. 757, pp. 1566, 1725.
- Act approved Sept. 7, 1935 as amended; freeing toll bridges; by adding Section 8½, H. 1026, pp. 2375, 2532.
- Act approved Sept. 9, 1935, Sections 3, 6 and 13; administration of financial affairs in counties of 95,000 or less population, H. 189, p. 249.

ACTS AMENDED—Continued.

- Act approved Sept. 9, 1935, Section 1, H. 78, pp. 103, 256, 349, 729, 775, 823.
- Act approved Sept. 9, 1935, Section 3; crippled children, S. 353, pp. 2105, 2106, 2402, 2657, 2749.
- Act approved Sept. 9, 1935, Section 10; amending act amending 1907 Code, H. 149, pp. 187, 391, 559.
- Act approved Sept. 9, 1935 as amended; creating office of County Road Supervisor in Henry County, H. 567, pp. 1285, 1429, 1543, 2185, 2215, 2344.
- Act approved Sept. 9, 1935, Section 3; medical care for crippled children, H. 708, pp. 1483, 1578, 2577.
- Act approved Sept. 9, 1935, State planning of public works, H. 223, pp. 318, 854, 657, 940, 968, 1017, 2220, 2339, 2477, 2482, 2499, 2516, 2619, 2672.
- Act approved Sept. 13, 1935, as applied to City of Talladega, H. 282, pp. 577, 695, 762, 1032, 1078, 1126, 1162.
- Act approved Sept. 13, 1935; Old Age Pensions, H. 357, p. 788.
- Act approved Sept. 13, 1935, Sections 1 and 18; construction of public roads and bridges, H. 38, pp. 93, 256, 347.
- Act approved Sept. 13, 1935, Section 4; construction of public roads and bridges, H. 70, pp. 101, 119, 393.
- Act approved Sept. 13, 1935, Section 6; construction of public roads and bridges, H. 37, pp. 93, 121, 154, 222, 224, 247.
- Act approved Sept. 13, 1935, amending act approved April 8, 1911, H. 97, pp. 114, 147, 177.
- Act approved Sept. 13, 1935, Sub-division (13) Section 1; Uniform Narcotic Drug Act, H. 680, pp. 1410, 1569, 2178.
- Act approved Sept. 13, 1935, Sections 2, 3, 4, 10 and 14; exempting disabled war veterans from payment of business or occupational licenses, H. 228, p. 319.
- Act approved Sept. 13, 1935, title and Section 1; entertainment on Sundays in cities 15,000 to 40,000 population, H. 902, pp. 1887, 2813.
- Act approved Sept. 13, 1935, Section 12; business and trade of plumbing, H. 1029, pp. 2376, 2534.
- Act approved Sept. 14, 1935, State Board of Adjustment, H. 379, pp. 835, 860, 1181.
- Act approved Sept. 14, 1935, Sections 1 and 7; State Board of Adjustment, H. 534, pp. 1265, 1339, 1346, 2040, 2482, 2514, 2919, 2932, 3180.
- Act approved Sept. 14, 1935, Section 8; State Board of Adjustment, S. 247, pp. 1926, 2033, 3138, 3156.
- Act approved Sept. 14, 1935, Sections 2 to 10, and 12 to 20, as amended; unemployment compensation, S. 440, pp. 2373, 2686, 2900, 2974, 3070, 3125.
- Act approved Sept. 14, 1935, Sections 2 to 10, and 12 to 20, unemployment compensation, H. 682, p. 1411.
- Act approved Sept. 14, 1935, Sections 4, 5, 10 and 23, as amended; Old Age Pensions, H. 451, p. 1226.
- Act approved Sept. 14, 1935 as amended; hospitalization plan and service, S. 320, pp. 1902, 1924, 2070, 2142, 3020, 3123.
- Act approved Sept. 14, 1935, as amended; defining agents of insurance companies, H. 571, pp. 1287, 1431.
- Act approved March 24, 1936, commission form of government in Class "D" cities, H. 3, pp. 46, 57, 104.
- Act approved March 31, 1936, Section 3; salary clerk of Circuit Court, Tuscaloosa County, H. 250, pp. 384, 587, 664, 821, 828, 854.

ACTS AMENDED—Continued.

- Act approved April 6, 1936, Section 5; firearms, H. 963, p. 2132.
- Act approved April 21, 1936, Sections 4, 5 and 6; real estate taxes in counties over 110,000 population, H. 871, pp. 1871, 2047, 2159, 3082, 3147, 3182.
- Act approved April 21, 1936, Sections 8 and 9, H. 88, pp. 112, 389, 433, 472, 1034, 1129, 1202.
- Act approved April 22, 1936, Section 12; Military Code, S. 356, pp. 2105, 2106.
- Act approved Jan. 26, 1937; Pension and Relief Fund in cities over 100,000 population, H. 714, pp. 1485, 2396, 2625.
- Act approved Jan. 26, 1937; Pension and Relief Fund in cities over 100,000 population, H. 997, pp. 2241, 2397, 2561, 2980, 3122, 3181.
- Act approved Feb. 2, 1937, Section 2; Alabama Beverage Control Act, H. 177, p. 229.
- Act approved Feb. 2, 1937, Section 8; Alabama Beverage Control Act, H. 176, p. 228.
- Act approved Feb. 2, 1937, Section 10; Alabama Beverage Control Act, H. 301, p. 650.
- Act approved Feb. 2, 1937, Section 21; Alabama Beverage Control Act, H. 175, p. 228.
- Act approved Feb. 4, 1937, Section 1, 2, 3, S. 129, pp. 735, 738, 795, 1024, 1037, 1053, 1173, 1184.
- Act approved Feb. 9, 1937, subdivision (d) of Section 1; investment of trust funds by fiduciaries, S. 148, pp. 1957, 2027.
- Act approved Feb. 9, 1937, sub-division (d) of Section 1; investment of trust funds fiduciaries, etc., H. 140, pp. 184, 253, 401, 526.
- Act approved Feb. 9, 1937, providing appropriation, annual reunion of Spanish War Veterans, H. 386, p. 941.
- Act approved Feb. 27, 1937, Sections 1, 4 and 9; County Court, Calhoun County, H. 217, pp. 316, 695, 927, 1160, 1161, 1166, 1202.
- Act approved March 1, 1937, Section 4; guardianship of incompetent veterans, S. 251, pp. 1822, 2028.
- Act approved March 1, 1937; conserving, protecting, etc., oysters, H. 745, pp. 1561, 1652, 2199, 3136, 3167, 3183.
- Act approved March 2, 1937, Sections 1 and 2; hunting, etc. on lands of another, H. 284, pp. 583, 846, 1310.
- Act approved March 2, 1937, Sections 5, 7 and 8; City Water Works Boards, S. 433, pp. 2359, 2371, 2526, 3025, 3123.
- Act approved March 2, 1937, Sections 1 to 9, inc., 11, 12, and 14; protecting humans against rabies, S. 92, pp. 796, 847, 1024, 1164, 1182, 1184.
- Act approved March 2, 1937; registration of medical Technicians, S. 306, pp. 2699, 2700, 3199.
- Act approved March 2, 1937, Section 3; used motor vehicles, S. 451, pp. 2620, 2621, 2687, 3312, 3360.
- Act approved March 2, 1937, Sections 1 and 3; pensions for widows of Confederate Veterans, H. 133, pp. 183, 947, 1654.
- Act approved Feb. 1, 1939, Section V; creating State Department of Revenue, H. 751, p. 1565.
- Act approved Feb. 1, 1939, Section V; creating State Department of Revenue and abolishing State Tax Commission, H. 749, p. 1565.
- Act approved Feb. 1, 1939, Section 1; authorizing Governor to discharge State personnel, H. 634, pp. 1369, 2143.
- Act approved Feb. 3, 1939, Section V; creating State Highway Department, H. 752, p. 1565.

ACTS AMENDED—Continued.

- Act approved Feb. 6, 1939, Section IV; creating Department of State Docks and Terminals, H. 750, p. 1565.
- Act approved Feb. 9, 1939, creating State Department of Commerce, H. 308, pp. 655, 700, 858, 911, 933, 1123, 1131, 1202.
- Act approved Feb. 16, 1939, salaries in certain Executive Departments of State, H. 300, pp. 650, 699, 751, 851, 856, 931.
- Act approved Feb. 16, 1939, Section 1; salaries in certain Executive Departments of State, H. 748, p. 1564.
- Act approved March 2, 1939, Section 7; creating State Merit System, H. 747, p. 1563.
- Act approved March 2, 1939, Subsection (4) of subdivision (a) of Section 10; Merit System Act, S. 366, pp. 2372, 2373, 2687, 3116, 3154.
- Act approved March 2, 1939, Sections 11, 13 and 14; establishing Jury Commission in each county, H. 416, p. 1218.
- Act approved March 7, 1939, subsection 21 of Section 5; Department of Finance Act, S. 435, pp. 2757, 2813, 3025, 3124.
- Act approved March 9, 1939, Sections 12, 14 and 16; creating Board of Revenue for Morgan County, S. 278, pp. 1447, 1452, 1733, 1957, 2120.
- Act approved March 14, 1939, Section 17; Department of Conservation, H. 689, pp. 1413, 1587, 2189, 3112, 3150, 3182.
- Act approved March 14, 1939, Section 17; Department of Conservation, S. 345, p. 2106.
- Act approved March 15, 1939, Sections III and X; creating county Boards of Equalization, H. 866, pp. 1870, 2046, 2157, 3012, 3147, 3182.
- Act approved March 18, 1939, Section 13; operation of motor vehicles, S. 340, pp. 2372, 2373, 2533.
- Act approved March 20, 1939, Sections 9 and 11; State Milk Control Board, S. 346, pp. 2104, 2106, 2385, 3135, 3156.
- Act approved Aug. 18, 1939, Sections 2 and 6, relative to furnishing electric service, H. 1016, pp. 2254, 2403, 3145.
- Act approved Aug. 18, 1939, Sections 2 and 6; utilities, S. 495, pp. 2619, 2621, 2693, 2829, 2835, 2854, 2890.
- Act approved Aug. 22, 1939, subsection (g) of Section 5; annual appropriation for education, H. 946, p. 1994.
- Act approved Aug. 24, 1939, subsection 11 of Subdivision XIII of Section 2; appropriation act, S. 494, pp. 2756, 2945.
- Act approved Aug. 24, 1939, Section 3; providing system of probation, S. 480, pp. 2664, 2665, 2685.
- Act approved Aug. 25, 1939, Section 1; voting machines, H. 1024, pp. 2260, 2389, 2743, 3360.
- Act approved Aug. 25, 1939, Section 1; voting machines, S. 492, pp. 2646, 2689, 3317.
- Act creating County Board of Drainage Commissioners and regulating swamp and overflow lands; Sections 7 and 8, H. 1025, p. 2261.
- Act creating Municipal Court of Limestone County; by providing necessary supplies, equipment, etc., be furnished said Municipal Court, S. 298, pp. 1514, 1518, 1586, 1682, 1765.
- Act passed 1923 regular session, H. B. 354, repealing Sections 2 to 5 inc., H. 1045, pp. 2522, 2691, 3213, 3375, 3386, 3421.
- Act passed 1932 extra session, H. B. 537, repealing Section 1, H. 1045, pp. 2522, 2691, 3213, 3375, 3386, 3421.
- Act passed 1935 regular session, H. B. 430, repealing Sections 1 to 5 inc., H. 1045, pp. 2522, 2691, 3213, 3375, 3386, 3421.
- Act providing revenue for fish protection, etc., H. 655, p. 1376.

ACTS AMENDED—Continued.

- Act providing for subordinate officers and employees of Legislature, H. 798, pp. 1697, 2137.
- Act providing Treasurer of Walker County, H. 891, pp. 1833, 2046, 2170, 2671, 2682, 2783.
- Alabama Beverage Control Act, H. 262, p. 517.
- Alabama Beverage Control Act, Section 23, H. 690, p. 1413.
- Alabama Beverage Control Act; subsection (c) of Section 9, H. 791, p. 1641.
- Jefferson County, Act establishing Inferior Courts in Precincts 2 and 23, H. 834, pp. 1722, 1799, 1898, 3294, 3301, 3346.
- Section 28 of Act known as H. B. 737 in General Acts of 1935 Legislature, H. 735, pp. 1559, 2397, 2566.

ACTS REPEALED—

- Act approved Feb. 16, 1883; Fine and Forfeiture Fund of St. Clair County, H. 605, p. 1304.
- Act approved Feb. 18, 1897; payment of witnesses before Grand Jury of St. Clair County, H. 607, p. 1306.
- Act approved March 4, 1901; official stenographer for Jefferson County, H. 676, pp. 1409, 1501, 1606, 1841, 1853, 1961.
- Act approved Sept. 29, 1919; Board of Revenue for Morgan County, S. 97, pp. 444, 470, 840, 939, 974, 1069.
- Act approved Aug. 27, 1923; Revenue Constable for Mobile County, H. 600, pp. 1300, 1344, 1549, 1774, 1852, 1961.
- Act approved Sept. 24, 1923; election of County Treasurer for Blount County, H. 343, pp. 786, 842, 928, 1123, 1132, 1202.
- Act approved Jan. 27, 1927, which amends Section 1530 of Code, H. 798, pp. 1697, 2137.
- Act approved Feb. 10, 1927, assistant solicitor of Mobile County, H. 459, pp. 1230, 1342, 1545, 1841, 1849, 1960.
- Act approved Sept. 6, 1927; school systems in counties 75,000 to 100,000 population, H. 463, pp. 1233, 1273, 1319, 1770, 1850, 1960.
- Act approved Sept. 9, 1927; salary Judge of Conecuh County Court, H. 796, pp. 1651, 1734, 1828, 2925, 2835, 3180.
- Act approved Feb. 12, 1931; salaries members of Boards of Revenue in counties of population 75,000 to 100,000, H. 205, pp. 283, 329, 410, 732, 777, 823.
- Act approved Feb. 13, 1931; matron at county jail in counties of 100,000 to 300,000 population, H. 458, pp. 1230, 1341, 1544, 1841, 1849, 1960.
- Act approved Feb. 20, 1931; compensation of Sheriffs in counties 75,000 to 100,000 population, H. 211, pp. 289, 330, 414, 733, 779, 823.
- Act approved Feb. 26, 1931 as amended; custody of dependent, neglected or delinquent children in counties 75,000 to 100,000 population, S. 95, pp. 469, 470, 522, 627, 679.
- Act approved March 2, 1931; Special Officer in counties of 75,000 to 110,000 population, H. 216, pp. 292, 331, 416, 734, 780, 823.
- Act approved March 5, 1931; Tax Collectors and Tax Assessors in counties of 75,000 to 100,000 population, H. 208, pp. 285, 329, 412, 733, 778, 823.
- Act approved March 9, 1931; coroners in counties of 75,000 to 100,000 population, H. 198, pp. 276, 327, 406, 731, 776, 823, 1469.
- Act approved March 9, 1931; Jury Boards in counties of 75,000 to 100,000 population, S. 102, pp. 470, 524, 925, 1011.
- Act approved June 12, 1931; levying special tax, Conecuh County, H. 795, pp. 1650, 1734, 1827, 2926, 2935, 3180.

ACTS REPEALED—Continued.

- Act approved July 17, 1931; providing for road duty in counties of 75,000 to 100,000 population, H. 286, pp. 607, 696, 764, 1033, 1079, 1126.
- Act approved July 22, 1931; Contingent Fund in counties of 75,000 to 100,000 population, H. 213, pp. 290, 331, 415, 734, 779, 823.
- Act approved Feb. 12, 1931; Contingent Fund in counties of 75,000 to 100,000 population, H. 213, pp. 290, 331, 415, 734, 779, 823.
- Act approved July 27, 1931; Board of Revenue of Limestone County, S. 408, pp. 2075, 2081, 2264, 2435, 2571.
- Act approved July 30, 1931; excise tax on gasoline in counties 75,000 to 100,000 population, H. 200, pp. 276, 328, 407, 731, 776, 823.
- Act approved Oct. 7, 1932; providing matron at Mobile County Jail, H. 598, pp. 1298, 1343, 2092, 2926, 2933, 3180.
- Act approved Oct. 12, 1932; prison guards for Mobile County Jail, H. 596, pp. 1296, 1343, 2090, 2965, 2973, 3146, 3182.
- Act approved Oct. 12, 1932; road patrolmen for Mobile County, H. 785, pp. 1641, 1732, 1833, 2341, 2358, 2512.
- Act approved Oct. 25, 1932; excusing jurors in Circuit Courts of counties 75,000 to 100,000 population, S. 38, pp. 455, 470, 522, 625, 678.
- Act approved Nov. 8, 1932; sewage works systems, H. 820, pp. 1717, 2029, 2287.
- Act approved Nov. 8, 1932; water works systems, H. 819, pp. 1717, 2028, 2286.
- Act approved March 10, 1933; sewage works systems, H. 822, pp. 1718, 2029, 2286.
- Act approved March 10, 1933; water works systems, H. 821, pp. 1718, 2029, 2288.
- Act approved March 23, 1933; regulating use of State owned motor vehicles, H. 108, pp. 168, 210, 246, 567, 572, 596.
- Act approved March 29, 1933; construction and purchase by cities and towns of water works and sewers systems, etc., H. 694, pp. 1417, 2053, 2290.
- Act approved March 23, 1933; regulating use of State owned motor vehicles, S. 60, p. 262.
- Act approved April 19, 1933; absentee ballots, H. 685, pp. 1412, 1727.
- Act approved April 19, 1933; appointment bailiff in counties of more than 200,000 population, H. 94, pp. 113, 197, 244, 310, 333, 375.
- Act approved Feb. 7, 1935; as amended, Rural Electrification Authority, S. 305, pp. 1614, 1615, 1725, 1810, 1950.
- Act approved June 6, 1935; coroners in counties of 75,000 to 100,000 population, H. 199, pp. 276, 328, 406, 731, 776, 823.
- Act approved June 6, 1935; establishing budget in Macon County, H. 808, pp. 1701, 1890, 2089, 2457, 2517, 2672.
- Act approved June 12, 1935; guardian ad litem fees, etc., in counties population of 300,000 or more, H. 578, pp. 1288, 1337, 1384, 3374, 3385, 3421.
- Act approved July 8, 1935; Fine and Forfeiture Fund of Tallapoosa County, S. 145, pp. 863, 866, 951, 1055, 1111.
- Act approved July 10, 1935; repealing Section 3, public utilities, H. 168, pp. 227, 254, 338, 937, 1023, 1076.
- Act approved July 17, 1935; additional Deputy Sheriff for Etowah County, S. 50, pp. 179, 195, 219, 234.
- Act approved Aug. 12, 1935; repealing Section 60, Chapter 20 of Code of 1907, H. 146, p. 185.
- Act approved Sept. 2, 1935; Commissioners Court of Clay County, H. 705, pp. 1481, 1731, 2271, 2667, 2679, 2783.

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- Act approved Sept. 7, 1935; official bonds of county officials of Henry County, H. 568, pp. 1285, 1429, 1543, 1774, 1850, 1961.
- Act approved Sept. 9, 1935; Firemens Pension and Relief Fund in cities over 100,000 population, H. 589, pp. 1289, 2400, 2562, 2980, 3075, 3095, 3132, 3174, 3184.
- Act approved Sept. 9, 1935; State planning of public works, H. 169, p. 227.
- Act approved Sept. 13, 1935; Public Corporation to construct public roads and bridges, H. 187, pp. 230, 259, 298, 1332, 567, 572, 596.
- Act approved Sept. 13, 1935; tax sales, H. 28, pp. 88, 120, 152, 262, 266, 270.
- Act approved March 10, 1936; Chilton County, public roads and bridges, H. 13, pp. 132, 196, 217, 443, 473, 564.
- Act approved March 17, 1936; Chilton County Agricultural Fund, H. 839, pp. 1788, 1892, 2085, 2458, 2518, 2672.
- Act approved April 10, 1936; additional clerks in Mobile County offices, H. 594, pp. 1294, 1342, 1546, 1772, 1850, 1961, 3128.
- Act approved April 15, 1936; school teachers pensions in counties population 75,000 to 100,000, S. 422, pp. 2080, 2265, 2443, 2571.
- Act approved April 21, 1936; revision and codification of public statutes of State, H. 100, pp. 117, 146, 176, 263, 265, 272, 314.
- Act approved Feb. 4, 1937; supplementing salaries of Circuit Judges, etc., H. 602, p. 1302.
- Act approved Feb. 9, 1937; Pike County, transferring gasoline tax, H. 467, pp. 1234, 1273, 1320, 1470, 1502, 1552.
- Act approved Feb. 24, 1937; Board of Finance Control in counties over 41,000 population, H. 84, pp. 109, 195, 212, 444, 473, 564.
- Act approved March 2, 1937; hunting, etc. on lands of another, H. 150, pp. 188, 391, 595.
- Act approved March 2, 1939; Merit System and State Personnel Department, H. 612, p. 1328.
- Act amending act fixing salary of Probate Judges in counties of 75,000 to 100,000 population, H. 291, pp. 618, 656, 710, 861, 903, 931.
- Act creating Board of Jury Supervisors in counties of 75,000 to 100,000 population, S. 103, pp. 590, 592, 694, 925, 1012.
- Act creating Inferior Courts in cities of 35,000 to 67,000 population, H. 288, pp. 615, 696, 765, 1033, 1079, 1126.
- Act fixing salary of Deputy Solicitor of Geneva County, H. 358, pp. 789, 842, 921, 1121, 1132, 1202.
- Act prescribing conditions governmental agency, etc., may engage in business furnishing electric service, H. 975, pp. 2136, 2543, 2696.
- Act providing for appointment by Circuit Judges of Court Bailiffs in all circuits composed of more than one county and having two circuit judges, H. 603, pp. 1303, 1579.
- Act providing road patrolmen in counties 92,500 to 150,000 population, H. 786, pp. 1643, 1733, 1834, 2341, 2358, 2512.
- Act regulating duties of Tax Assessor of Limestone County, S. 296, pp. 1510, 1518, 1585, 1680, 1764.

ADJUSTMENT, STATE BOARD OF—

- Amending Act approved Sept. 14, 1935, creating, S. 247, pp. 1926, 2033, 3138, 3156.
- Amending Act approved Sept. 14, 1935, creating, H. 379, pp. 835, 860, 1181.

ADJUSTMENT, STATE BOARD OF—Continued.

Amending Act approved Sept. 14, 1935, sections 1 and 7, creating, H. 534, pp. 1265, 1339, 1346, 2040, 2482, 2514, 2919, 2932, 3180.

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ALABAMA ALCOHOLIC BEVERAGE CONTROL ACT—Continued.

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FIRST DAY

Montgomery, Alabama,

Thursday, March 16th, 1939.

Be it remembered that on the 16th day of March, 1939, His Excellency, Frank M. Dixon, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, in the opinion of the Governor of the State of Alabama, an extraordinary occasion exists which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901; and

WHEREAS, it is deemed necessary by the Governor that the Legislature of the State of Alabama consider and act upon the following subjects and matters:

1st. To propose an amendment to Section 124 of the Constitution of Alabama of 1901 relating to the power of the Governor to grant reprieves to persons under sentence of death and the power of the Legislature to provide for and regulate the administration of pardons, paroles, commutations of sentence, remission of fines and forfeitures, and to authorize courts having criminal jurisdiction to suspend sentence and order probation.

2nd. To propose an amendment to Section 190 of the Constitution of Alabama of 1901 to require the Legislature to permit the

use of voting machines and other mechanical devices for registering, recording, and computing the votes at all elections and primaries in any county, municipality or other political subdivision of the State, at the option of the electors of such county, municipality, or political subdivision.

3rd. To propose an amendment to the Constitution of Alabama of 1901 relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of the members of the Legislature.

4th. To propose an amendment to Section 74 of the Constitution of Alabama of 1901 to remove certain limitations on the powers of executors, administrators, guardians and trustees in regard to the investment of funds of which they are trustees.

5th. To propose an amendment to Section 8 of the Constitution of Alabama of 1901 to authorize the Legislature to dispense with grand jury investigations in felony cases, except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial.

6th. To propose an amendment to Section 178 of the Constitution of Alabama of 1901 to provide that persons duly registered may qualify as electors upon the payment of poll tax for the current year and the two years next preceding.

7th. To propose an amendment to the Constitution of Alabama of 1901 creating a Board of Apportionment to apportion the membership of the Senate and of the House of Representatives, in the event of the failure of the Legislature to apportion said membership as provided by law.

NOW THEREFORE, I, Frank M. Dixon, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 11:00 A. M., Thursday the 16th day of March, 1939.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the same to be attested by the Secretary of State and the Great Seal of the State affixed at the Capitol, this the 16th day of March, 1939.

FRANK M. DIXON,

Governor.

Attest:

JOHN BRANDON,

Secretary of State.

(SEAL)

In pursuance whereof, at the Hour of 11 A. M. on Thursday the 16th day of March, 1939, the Representatives in the Legislature of Alabama, assembled in the hall of the House of Representatives.

The House was called to order by the Hon. Hugh D. Merrill, Speaker of the House of Representatives.

PRAYER

The session was opened with Prayer by the Rev. T. L. Marsden of Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Dobbs	Lovelace	Sadler
Allen	Doster	Martin	Sanderson
Austin	Dominick	Mathews (Clarke)	Scott
Bagley	Ellis	Matthews (Jackson)	Segrest
Ball	Flowers	Mayhall	Sessions
Barchard	Garrett	Miller	Sherrer
Barnes	Gewin	McCord	Sightler
Beck	Golson	McDanal	Smyer
Booth	Graham	McGowin	Snyder
Boswell	Graves	Nation	Spence
Branyon	Green	Neighbors	Stallings
Brown (Covington)	Gwin	Newman	Stone
Brown (Lee)	Hall	Norman (Bullock)	Taylor
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Chewing	Hare	Owens	Toomer
Clayton	Haynes	Payne	Tucker
Cobb	Henson	Peacock	Waldrop
Collier	Hill	Petrey	Wallace
Cook	Hodo	Phillips	Welch
Cope	Jenkins	Pitts	Weston
Davis (Madison)	Jones	Pool	Whigham
Davis (Montgomery)	Kaul	Quarles	White
Dearman	Langan	Robertson (Cullman)	Wood
Delony	Langley	Robinson (Lowndes)	Wright
Devers	Locke	Robinson (St. Clair)	Young

—100

A quorum was present.

LEAVE OF ABSENCE

was granted to Messrs. Christopher, Megginson, Thomas and Walden for to-day.

ELECTION OF ASSISTANT CLERK

Mr. McGowin nominated Mr. J. F. Campbell of Cleburne County, for assistant Clerk of the House. Those who voted for Mr. Campbell are:

Messrs.:			
Speaker	Dobbs	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Austin	Dominick	Matthews (Jackson)	Segrest
Ball	Flowers	Mayhall	Sessions
Barchard	Garrett	Miller	Sherrer
Barnes	Gewin	McCord	Sightler
Beck	Golson	McDanal	Smyer
Booth	Graham	McGowin	Snyder
Boswell	Graves	Nation	Spence
Branyon	Green	Neighbors	Stallings
Brown (Covington)	Hall	Newman	Stone
Brown (Lee)	Hardwick	Norman (Bullock)	Taylor
Carwile	Hare	Norman (Lowndes)	Tidmore
Chewning	Haynes	Owens	Toomer
Clayton	Henson	Payne	Tucker
Cobb	Hill	Peacock	Waldrop
Collier	Hodo	Petrey	Wallace
Cook	Jenkins	Phillips	Welch
Cope	Jones	Pitts	Weston
Davis (Madison)	Kaul	Pool	Whigham
Davis (Montgomery)	Langan	Quarles	White
Dearman	Langley	Robertson (Cullman)	Wood
Delony	Locke	Robinson (Lowndes)	Wright
Devers	Lovelace	Sadler	Young

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Mr. Campbell having received all of the votes cast, a majority of the House, was declared duly and constitutionally elected Assistant Clerk of the House for the Special Session, 1939.

ELECTION OF ENGROSSING AND ENROLLING CLERK

Mr. McGowin, nominated Mr. J. W. Kirtland of Montgomery County, for Engrossing and Enrolling Clerk of the House. Those who voted for Mr. Kirtland are:

Messrs.:			
Speaker	Brown (Covington)	Davis (Montgomery)	Golson
Allen	Brown (Lee)	Dearman	Graham
Austin	Carwile	Delony	Graves
Ball	Chewning	Devers	Green
Barchard	Clayton	Dobbs	Hall
Barnes	Cobb	Doster	Hardwick
Beck	Collier	Dominick	Hare
Booth	Cook	Flowers	Haynes
Boswell	Cope	Garrett	Henson
Branyon	Davis (Madison)	Gewin	Hill

EXTRAORDINARY SESSION

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Hodo	McDanal	Quarles	Stone
Jenkins	McGowin	Robertson (Cullman)	Taylor
Jones	Nation	Robinson (Lowndes)	Tidmore
Kaul	Neighbors	Sadler	Toomer
Langan	Newman	Sanderson	Tucker
Langley	Norman (Bullock)	Scott	Waldrop
Locke	Norman (Lowndes)	Segrest	Wallace
Lovelace	Owens	Sessions	Welch
Martin	Payne	Sherrer	Weston
Mathews (Clarke)	Peacock	Sightler	Whigham
Matthews (Jackson)	Petrey	Smyer	White
Mayhall	Phillips	Snyder	Wood
Miller	Pitts	Spence	Wright
McCord	Pool	Stallings	Young

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Mr. Kirtland having received all of the votes cast, a majority of the House, was declared duly and constitutionally elected Engraving and Enrolling Clerk of the House for the Special Session, 1939.

ELECTION OF DOORKEEPER

Mr. McGowin nominated Mr. H. A. Thompson of Jefferson County for Doorkeeper of the House. Those who voted for Mr. Thompson are:

Messrs.:			
Speaker	Dobbs	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Austin	Dominick	Matthews (Jackson)	Segrest
Ball	Flowers	Mayhall	Sessions
Barchard	Garrett	Miller	Sherrer
Barnes	Gewin	McCord	Sightler
Beck	Golson	McDanal	Smyer
Booth	Graham	McGowin	Snyder
Boswell	Graves	Nation	Spence
Branyon	Green	Neighbors	Stallings
Brown (Covington)	Hall	Newman	Stone
Brown (Lee)	Hardwick	Norman (Bullock)	Taylor
Carwile	Hare	Norman (Lowndes)	Tidmore
Chewning	Haynes	Owens	Toomer
Clayton	Henson	Payne	Tucker
Cobb	Hill	Peacock	Waldrop
Collier	Hodo	Petrey	Wallace
Cook	Jenkins	Phillips	Welch
Cope	Jones	Pitts	Weston
Davis (Madison)	Kaul	Pool	Whigham
Davis (Montgomery)	Langan	Quarles	White
Dearman	Langley	Robertson (Cullman)	Wood
Delony	Locke	Robinson (Lowndes)	Wright
Devers	Lovelace	Sadler	Young

— 96

Mr. Thompson having received all of the votes cast, a majority of the House, was declared duly and constitutionally elected Doorkeeper of the House for the Special Session, 1939.

ELECTION OF ASSISTANT DOORKEEPER

Mr. McGowin nominated Mr. Brewer Stough of Crenshaw County for Assistant Doorkeeper of the House. Those who voted for Mr. Stough are:

Messrs.:			
Speaker	Dobbs	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Austin	Dominick	Mathews (Jackson)	Segrest
Ball	Flowers	Mayhall	Sessions
Barchard	Garrett	Miller	Sherrer
Barnes	Gewin	McCord	Sightler
Beck	Golson	McDanal	Smyer
Booth	Graham	McGowin	Snyder
Boswell	Graves	Nation	Spence
Branyon	Green	Neighbors	Stallings
Brown (Covington)	Hall	Newman	Stone
Brown (Lee)	Hardwick	Norman (Bullock)	Taylor
Carwile	Hare	Norman (Lowndes)	Tidmore
Chewning	Haynes	Owens	Toomer
Clayton	Henson	Payne	Tucker
Cobb	Hill	Peacock	Waldrop
Collier	Hodo	Petrey	Wallace
Cook	Jenkins	Phillips	Welch
Cope	Jones	Pitts	Weston
Davis (Madison)	Kaul	Pool	Whigham
Davis (Montgomery)	Langan	Quarles	White
Dearman	Langley	Robertson (Cullman)	Wood
Delony	Locke	Robinson (Lowndes)	Wright
Devers	Lovelace	Sadler	Young

— 96

Mr. Stough having received all of the votes cast, a majority of the House, was declared duly and constitutionally elected Assistant Doorkeeper of the House for the Special Session of 1939.

APPOINTMENT OF READING CLERK

The Speaker of the House announced the appointment of Cyrus B. Brown of Montgomery, Alabama, as Reading Clerk of the House for the Special Session of 1939.

ANNOUNCEMENT OF STANDING COMMITTEES

The Speaker of the House announced that all Standing Committees for the House for the Special Session, 1939, would be the same Standing Committees as the 1939 Regular Session of the Legislature.

ANNOUNCEMENT OF APPOINTMENT OF SERGEANT AT ARMS
AND DOORKEEPER OF THE GALLERY

The Speaker of the House announced the appointment of Messrs. Jesse Evans and Dan G. Cook as Sergeants at Arms and Bill Wood as Doorkeeper of the Gallery.

APPOINTMENT OF PAGES AND MESSENGERS

The Speaker of the House announced the appointment of the following Pages and Messengers:

PAGES

Percy M. Pitts, Jr., Luther Brown, John Thompson, Oakley W. Melton, Jr., Kenneth Brown and Billy Mahone.

MESSENGERS

Horton Devers, Frank Hawthorne, Billy Hause and Sidney W. Jackson, Jr.

OATH OF OFFICE

Messrs J. F. Campbell, J. W. Kirtland, H. A. Thompson, and Brewer Stough, the subordinate officers of the House appeared and the oath of office was administered to Messrs J. F. Campbell, J. W. Kirtland, H. A. Thompson, and Brewer Stough by the Hon. Hugh D. Merrill, Speaker of the House.

RESOLUTIONS

The following resolutions were introduced:
By Mr. McGowin:

H. R. 1. Be it resolved by the House that the Rules of the House of the Regular Session, 1939, be adopted as the Rules of the House for this Special Session.

And the H. R. 1 was adopted.

By Mr. McGowin:

H. R. 2. Be it resolved by the House, that the Clerk of the House be directed to notify the Senate that the House has perfected its permanent organization and is now ready for the transaction of the public business.

On motion of Mr. McGowin the rules were suspended and the H. R. 2 was adopted.

By Mr. McGowin:

H. J. R. 3. Be it resolved by the House, the Senate concurring, that a Joint Committee of three from the House, to be appointed by the Speaker of the House, and two from the Senate, be named to wait upon the Governor and notify him that the Legislature is duly organized and ready for the transaction of business.

On motion of Mr. McGowin the rules were suspended and the H. J. R. 3 was adopted.

And the Speaker named as the committee on the part of the House: Messrs. McGowin, Gewin and Langan.

By Mr. McGowin:

H. J. R. 4. Be it resolved by the House, the Senate concurring, that the two Houses meet in Joint Session in the Hall of the House at twelve o'clock noon to-day for the purpose of receiving a message from His Excellency, Frank M. Dixon, Governor.

On motion of Mr. McGowin the rules were suspended and the H. J. R. 4 was adopted.

HOUSE JOINT RESOLUTION

By Mr. Dominick:

H. J. R. 5. Whereas, the Seventy-Sixth Congress of the United States now assembled has under consideration the following revisions in the Federal Social Security Act with reference to public assistance and

Whereas these revisions will materially affect Federal Grants-in-aid to the States, therefore

Be it resolved by the Legislature of the State of Alabama:

1. That this Legislature go on record as urging an increase in Federal Grants-in-aid to the states for aid to dependent children to a minimum of fifty per cent matching in order that the Federal Government may share more equitably with the States the cost of care for dependent children.

2. That this Legislature recommends that the Social Security Act be amended in order that the states may be reimbursed for fifty per cent or more of the necessary cost of proper administration of the three public assistance programs in which the Federal Government participates.

3. That the present system of providing Federal grants on a uniform percentage basis be modified in order to allow for variation in such grants to states in accordance with the ability of the States to pay.

4. That a copy of this resolution be transmitted by the Clerk of the House and the Secretary of the Senate to each member of

Alabama's Congressional delegation in Washington and to the Chairman of the Ways and means Committee of the House of Representatives of the Congress.

On motion of Mr. Dominick the rules were suspended and the H. J. R. 5 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate has completed its organization by re-electing and continuing in office all the elective officers and employees who were elected at the Regular Session of the Legislature.

And is now ready for the transaction of business.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House.

By Mr. Rowe:

S. J. R. 4. Resolved by the Senate, the House concurring, that a committee of three members of the Senate and three members of the House be appointed to wait upon the Governor and advise him that the Legislature is in Extraordinary Session, has completed its organization, and is ready to receive any message he may care to deliver.

And Messrs. Poole, Rowe, and Tucker have been named on the part of the Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE

The S. J. R. 4 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. President:

The Senate has originated and adopted the following Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Carlton:

S. J. R. 5. BE IT RESOLVED by the Senate, the House concurring, that the Legislature assemble in Joint Session in the Hall of the House of Representatives at Twelve o'clock Noon today to hear a message from the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The S. J. R. 5 set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the following:

H. J. R. 4. Relative to a joint session of the Legislature at twelve o'clock today to hear the Governor's Message.

And returns same herewith the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the following:

H. J. R. 3. Relative to a joint committee to wait on the Governor and notify him that the Legislature is ready for the transaction of business.

And Messrs. Poole and Tucker have been named as a committee on the part of the Senate.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House.

By Mr. Poole:

S. J. R. 6. Be it resolved by the Senate, the House concurring, that when the two Houses of the Legislature adjourn today, they adjourn to meet again Friday, March 17th at 12 noon.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones the House concurred in and adopted the S. J. R. 6 set out in the above and foregoing Message from the Senate.

JOINT SESSION

The hour of twelve o'clock noon having arrived the Senate and House met in joint session in the hall of the House of Representatives in accordance with a House Joint Resolution heretofore adopted.

The joint session was called to order by the Hon. A. A. Carmichael, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Frank M. Dixon, Governor of Alabama, then appeared and addressed the Joint Session as follows:

To the Members of the Legislature of Alabama:

Since you assembled in January there has been more of solid, worthwhile accomplishment for the good of Alabama than in any legislative session in our history as a state. The people are proud, and they have every reason to be proud, of the membership of this Legislature.

There have been differences of opinion, as of course. But never has the spirit of compromise of honest differences been more manifest, never has there been displayed a greater determination to work unselfishly for the advancement of our people. In you, Alabama is fortunate indeed. And as you assemble in Extraordinary Session for the consideration of the important matters placed before you, it is without scars, without bitterness and factionalism, without hatreds, but with a continuing determination to serve, as best you may, those whom you here represent.

PARDONS, PROBATIONS AND PAROLES

Each of you is familiar with the defects of our present penal system and with the scandals of the past. There is no remedy except by power of a constitutional amendment, to be submitted to the people of Alabama, authorizing the Legislature to provide for and to regulate the granting of pardons, paroles, remission of fines

and forfeitures, the suspension of sentences and probation. A bill submitting an amendment vesting this power in the Legislature has been prepared and will be submitted for your consideration. In it the only power remaining in the hands of the Governor is that of granting reprieves and commutations to persons under sentence of death within such limitation as the Legislature may prescribe.

With the adoption of this amendment by the people, there will be submitted to you at the Summer Session legislation enabling us to put into effect a modern system of pardons, probations and paroles.

With the adoption of a tested and approved modern system, it is my opinion that we can lessen our prison population by about twenty-five percent and, after the first year of operation, bring about substantial savings in costs. Of equal importance, by a classification system of prisoners, segregation of first offenders and probation work in proper hands, we can install common sense and humanity into the treatment of our prisoners, working out the reclamation and restoration to society of a reasonable percentage of these unfortunates.

Without the adoption of such an amendment our prison population will continue to expand, we will need additional and substantial increase in prison construction, and the abuses which in the past have been so prevalent in our prison system must continue.

I recommend the passage of the bill authorizing the submission of this amendment.

VOTING MACHINES

Our Supreme Court has held that under the provisions of our Constitution the use of voting machines is prohibited, regardless of the wishes of the people of any locality within the State.

It is obvious that these purely technical provisions of our Constitution should be changed so as to permit the use of these devices if the use is desired by the people of any political subdivision of the State, and this desire expressed at the polls.

A bill proposing an amendment to permit the use of voting machines in elections in Alabama has been prepared and will be submitted for your consideration. I recommend its passage.

BIENNIAL SESSIONS OF THE LEGISLATURE

Alabama is the only State having a quadrennial system. It is impossible to budget four years in advance, since of course, revenues fluctuate as well as needs of the various governmental

agencies. It has been found that the biennial system, limited to a prescribed number of calendar days, is the most satisfactory.

Under our system of quadrennial sessions, it has been necessary to have special sessions two or three times in each quadrennial term. In addition, our system of the use of legislative days instead of calendar days greatly extends the length of time the Legislature is in session, and increases the costs incident to the meeting of the Legislature and the inconvenience and loss suffered by its members by reason of absence from their homes and businesses.

The rate of pay provided in the Constitution, even when supplemented by the present expense allowance, is not sufficient to enable the members of the Legislature to live in reasonable comfort while they are in Montgomery attending to the business of the people. It is my conviction that the members should be paid ten dollars for each day of attendance, and that the regular biennial session should be limited to sixty calendar days. A short organization session, not to exceed ten calendar days in length, should be held beginning at the time when the regular quadrennial session now starts, for the purpose of performing the ministerial duties outlined in the Constitution, with the regular session convening on the first Tuesday in May thereafter. In this way an incoming Governor will have an opportunity to familiarize himself with the affairs of the State and prepare such recommendations to the Legislature as are advisable.

A bill proposing an amendment to the Constitution of Alabama providing for biennial sessions as above outlined has been prepared and will be submitted for your consideration. I recommend its adoption.

INVESTMENT OF TRUST FUNDS

Under the present Constitution executors, administrators, guardians and other trustees are severely limited as to the field in which investments of such funds may be made. There seems to be no reason why investments of such funds should not be permitted in corporate or institutional investments which are guaranteed or insured as to principal by the United States Government, or an instrumentality or agency of such Government, to the extent authorized to be so insured.

A bill proposing an amendment to the Constitution of Alabama permitting such investment has been prepared and will be submitted for your consideration. I recommend its passage.

GUILTY PLEAS IN FELONY CASES

Under our Constitution a prisoner accused of a felony is, in many instances, required to lie in jail for many months awaiting trials, even though such prisoner may desire to enter a plea of guilty and begin serving his sentence. This situation should not be allowed to continue to exist.

A bill has been prepared proposing an amendment to the Constitution whereby in all felony cases, except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial the Legislature may by law dispense with a grand jury and authorize prosecution and proceedings before the Circuit Court. I recommend its passage.

POLL TAX AMENDMENT

You are familiar with cumulative poll tax requirements. The platform on which I was elected advocated the installation of a system authorizing the registration and voting on payment of poll tax for the current year and two years back. It seems to me that the people of Alabama are entitled to express themselves at the polls in this regard.

A bill has been prepared for your consideration proposing an amendment permitting registration and voting on payment of poll tax for the current year and two years back. I recommend its passage.

REAPPORTIONMENT

You are familiar with the situation in Alabama with reference to reapportionment. So long as the present provisions are in our Constitution, beyond any question they should be complied with. If they are not desired they should be changed.

Experience has shown us definitely that reapportionment is extremely difficult to accomplish under the present constitutional provisions. Other States have met this problem and solved it.

A bill has been prepared submitting a constitutional amendment creating a Board of Apportionment consisting of the Governor, the Secretary of State and the Attorney General, and further providing that in the event the Legislature fails or refuses at the time provided in the Constitution to fix by law, and in accordance with the law, the membership of the House of Representatives and of the Senate, and apportion such membership as provided by law, then the Board of Apportionment shall proceed to make such apportionment under the terms and as provided by the Constitution

of Alabama. The bill further provides that should the Board of Apportionment fail to perform its duties, original jurisdiction is vested in the Supreme Court to compel by mandamus, or otherwise, the performance of this duty and such proceedings may be brought by any citizen or taxpayer in the State. I recommend the passage of the bill submitting this matter to the people of Alabama.

In closing let me assure the membership of the Legislature of my desire to cooperate with you in your extremely important duties. You have shown that you have at heart the well being and the progress of our people. I congratulate you on the fine work that has been done, and wish for you a continuance of the harmonious relationship and friendly feeling of the first session.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purposes of the joint session having been accomplished, the Senate would retire to its chamber.

The Speaker of the House then called the House to order.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Merrill:

H. 1. To amend Section 2932 of the Code of 1923, so as to read as follows. The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama."

Rules.

By Mr. Delony:

H. 2. To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

Judiciary.

By Mr. Robertson:

H. 3. To regulate and make uniform with the law of other states adopting this Act, the law of this state with regard to liability for participation in breaches of fiduciary obligations.

Banks and Banking.

By Mr. Robertson:

H. 4. To provide for the release and discharge of banks or trust companies in the event payment of deposits made in the name of two persons, payable to either, or payable to either or the survivor, is made to either of such persons, whether the other be living or not.

Banks and Banking.

By Mr. Robertson:

H. 5. To make it unlawful and to fix the punishment for making or using false statements in writing to obtain property or credit.

Banks and Banking.

By Mr. Robertson:

H. 6. To make it lawful for any officer, who is authorized by law to take acknowledgements or administer oaths who is a stockholder, director, officer or employee of a bank or other corporation, to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation; and further to make it lawful for any officer, or person, who is authorized by law to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes and other negotiable instruments, who is a stockholder, director, officer or employee of a bank or other corporation, to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or be held for collection by such corporation: Provided it shall be unlawful for any officer to take the acknowledgement of an instrument executed by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such officer is a party to such instrument either individually or as a representative of such corporation, and provided further it shall be unlawful for any officer or person to protest any negotiable instrument owned or held for collection by such corporation, where such officer or person is individually a party to such instrument.

Banks and Banking.

By Mr. Robertson:

H. 7. To provide for the negotiability of security receipts and equipment trust certificates, as defined by this Act.

Banks and Banking.

By Mr. Robertson:

H. 8. To grant a bank or trust company the option to refuse payment of a check or other instrument payable on demand at such

bank or trust company, in the event such check or instrument payable on demand is presented more than six months after its date, and to relieve the bank or trust company of liability to the drawer or maker for dishonoring the check or other demand instrument by nonpayment thereof.

Banks and Banking.

By Mr. Robertson:

H. 9. To amend subdivision (3) of Section 9037 of the Code of Alabama of 1923.

Banks and Banking.

By Mr. Beck:

H. 10. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama creating a Board of Apportionment and defining the duties thereof relating to apportioning the membership of the Senate and of the House of Representatives in the event of the failure of the Legislature to apportion said membership as provided by law, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate, and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Repre-

sentatives and the Senate, in accordance with the provisions hereof:

(1) The membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State, respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportionment made either by action of the Legislature or by the Board of Apportionment.

(2) The Board of Apportionment shall divide the state into as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment.

(3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days

from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be instituted in the Supreme Court within such period, as hereinafter authorized.

"Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the Clerk thereof, forthwith transmitted to the Secretary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

"At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate,

and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Representatives and the Senate, in accordance with the provisions hereof: (1) The membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State, respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportionment made either by action of the Legislature or by the Board of Apportionment. (2) The Board of Apportionment shall divide the State into as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment. (3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall

immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be instituted in the Supreme Court within such period, as hereinafter authorized.

“Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the clerk thereof, forthwith transmitted to the Secretary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

“At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith.”

“() Yes
“() No”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 10, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Allen and Mr. McCord:

H. 11. A Bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega".

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment of the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to

time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Etowah, DeKalk, Cherokee, Morgan, Talladega.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast there at shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

The above and foregoing bill, H. 11, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Allen:

H. 12. A bill to be entitled an act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the

present session of the Legislature. The proposed amendment is as follows: "Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as 'National Housing Act,' provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as "National Housing Act," provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

"() Yes
"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for represen-

tatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 12, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Hardwick:

H. 13. A bill to be entitled an act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other Court of competent jurisdiction as may be by law established."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper

once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other court of competent jurisdiction as may be by law established."

"(Yes.....)

(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. B. 13, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Smyer:

H. 14. To Amend Section 8 of an Act entitled an Act "To Provide for the General Revenue of the State of Alabama" approved July 10th, 1935.

Ways and Means.

By Mr. Hodo:

H. 15. A bill to be entitled an act to propose an amendment to Section 178 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to Section 178 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election

there shall be printed the following: "Shall the following be adopted as an amendment to Section 178 of the Constitution of Alabama?"

"Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

"(Yes.....)"

"(No)"

SECTION 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

SECTION 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 15, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Hodo:

H. 16. To further define the powers, functions and duties of the State Treasurer.

Judiciary.

By Mr. Hodo:

H. 17. To make legal and not usurious any secured or unsecured loan in a principal amount not exceeding \$2500.00 and interest thereon by those regularly engaged in the business of lending money in the State of Alabama, which loan is made payable in periodic installments over a period of not exceeding twenty-four months, and the charging and collection of discount or interest on the total principal amount of the loan at a rate not exceeding eight per cent. per annum from the date of the loan to the maturity date of the last maturing installment as though such total principal amount would be payable on the maturity date of the last maturing installment, such discount or interest to be payable either in full at the date of the making of the loan or by aggregating such discount or interest with the principal and making such aggregate payable in periodic installments and to accordingly modify and amend existing laws relating to usury.

Banks and Banking.

By Mr. Snyder:

H. 18. A bill to be entitled an act to propose an Amendment to Amendment XXV of the Constitution of Alabama, which said amendment was proposed by an Act of the 1933 Legislature, House Bill 53, passed by the House, March 23rd, 1933, and Senate, April 7th, 1933, and proclaimed ratified August 2nd, 1933, to be submitted to the qualified electors of the State of Alabama on the First Tuesday after ninety days after the final adjournment of the present session of the Legislature, to provide notice of said election, and to provide for the expense of said election.

Be it enacted by the Legislature of Alabama:

SECTION 1. That Amendment XXV to the Constitution of Alabama, which said amendment was proposed by an Act of the 1933 Legislature of Alabama, House Bill 53, passed by the House March 23rd, 1933, and Senate, April 7th, 1933, and proclaimed ratified August 2nd, 1933, be amended so as to read as follows:

"INCOME TAXES"

ARTICLE XXII:

The Legislature shall have the power to levy and collect taxes for state purposes on net incomes from whatever source derived within this state, including the incomes derived from salaries, fees and compensation paid from the State, County, municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 per cent nor 3 per cent on corporations. Income shall not

be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than fifteen hundred dollars (\$1,500.00) shall be allowed to unmarried persons and an exemption of not less than three thousand dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than three hundred dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, income, fees, or other compensation of State, County, and municipal officers and employees, on the same basis as such income taxes are levied upon other persons. Sufficient funds derived from such income tax shall be used to pay the bonds executed by the State in payment of the floating debts of Alabama which said floating debts were due prior to Oct. 1st, 1932, and the surplus funds so derived from said income taxes shall be used exclusively for use of Public Schools, Old Age Pensions and reduction of State ad valorem taxes.

SECTION 2. That notice of the election hereby ordered, together with the amendment hereby proposed, which shall be known as the "Tax Amendment" shall be given by proclamation of the Governor, which notice shall be published once a week for four consecutive weeks next preceding the date of election in some newspaper published in every County in the State.

SECTION 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State, for their consideration, the qualified electors shall vote upon said amendment and the amendment proposed by this act shall be printed on ballot to be used in said election, and after the proposed amendment is set out on the ballot, the following words shall be printed: "Shall the foregoing proposed tax amendment be adopted? Yes..... No....."

SECTION 4. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall be a part of the Constitution of Alabama, and shall be in all of its intents and purposes valad as such part of the Constitution of Alabama.

SECTION 5. The result of such election shall be made known by proclamation of the Governor.

SECTION 6. The expenses of the election herein provided for and of the cost of the publication of the notices, shall be paid out of the State Treasury in the same manner that expenses as general elections are paid.

The above and foregoing bill, H. 18, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Snyder:

H. 19. A bill to be entitled an act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the First Tuesday next after the expiration of ninety (90) days after the final adjournment of the present session of the Legislature of Alabama, an Amendment to Section 175 of Article 7 of the Constitution of Alabama, so that it will read as follows: "Section 175-A. That the Legislature shall have the right to provide by proper legislation and laws for the recall by a majority vote of the qualified electors of Alabama, or any political subdivision thereof, the following elective, or appointed public officials, including the Attorney General, State Auditor, Secretary of State, State Treasurer, Comptroller, State Superintendent of Education, Commissioner of Agriculture and Industries, Circuit Solicitors, or Deputy Circuit Solicitors, Sheriffs, Clerks of Circuit Courts, and Courts of like jurisdiction, Clerks of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County and City Superintendents of Education, Members of the County or City Boards of Education, Justices of the Peace, Coroners, Constables, County Commissioners, Members of the Board of Revenue, and all County or District offices, Mayors, City Commissioners, and any and all other County or City elective officers of any incorporated City or Town in this State, and they may be removed from office by a majority vote in a recall election for any of the causes specified in Section 173 of the Constitution of Alabama and the people of any county or City in this State shall have the right of referendum on any Act by any County Commission, Board of Revenue, or any Commission, Board of Mayor and Aldermen, or Council Manager, and any and all laws heretofore enacted by the Legislature of Alabama providing for the recall of officers by a majority vote are hereby ratified, confirmed, and made effective by the adoption of this Amendment by the qualified electors of this State" to provide for notice of said election, appointment of officers to hold said election, and to provide for the expense of said election.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the following amendments to the Constitution of Alabama is hereby proposed and an election by the qualified electors of Alabama is hereby ordered upon the said proposed Amendment, and the day hereby appointed for such election is the first Tuesday after the expiration of ninety (90) days from, and after the final adjournment of the present session of the Legislature at which this Amendment is to supersede Section 175 of the Constitution of Alabama insofar as it applies and relates to the officers enumerated in this proposed Amendment which shall read as follows: "Article VII. Section 175-A. The Legislature of Alabama shall have the right to provide by proper legislative acts and laws for the recall by a majority vote of the qualified electors of Alabama, or any political subdivision thereof, the following elective or appointed public officials, including the Attorney General, State Auditor, Secretary of State, State Treasurer, Comptroller, State Superintendent of Education, Commissioner of Agriculture and Industries, Circuit Solicitors, or Deputy Circuit Solicitors, Sheriffs, Clerks of Circuit Courts, and Courts of like jurisdiction, Clerks of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County and City Superintendents of Education, Members of the County or City Boards of Education, Justices of the Peace, Coroners, Constables, County Commissioners, Members of the Board of Revenue, and all County or District officers, Mayors, City Commissioners, and any and all other County or City elective officers of any County, incorporated City, or Town in this State, and they may be removed from office by a majority vote in a recall election for any of the causes specified in Section 173 of the Constitution of Alabama and the people of any County or City in this State shall have the right of referendum on any Act by any County Commission, Board of Revenue, or any City Commission, Board of Mayor and Aldermen, or Council-Manager, and any and all laws heretofore enacted by the Legislature of Alabama providing for the recall of officers by a majority vote are hereby ratified, confirmed, and made effective by the adoption of this Amendment by the qualified electors of this State" to provide for notice of said election, appointment of officers to hold said election, and to provide for the expense of said election.

SECTION 2. Notice of the election hereby ordered together with the Amendment which is hereby proposed shall be given by proclamation of the Governor which shall be published in one newspaper in each County of the State, once a week for three consecutive weeks, preceding the day hereby appointed for such election, and if there is no newspaper in any county, then a notice shall be posted in at least five (5) public places for four (4) weeks prior to such election.

SECTION 3. That at said election on the Amendment proposed by this Act, to be submitted to the qualified electors of the State of Alabama for their consideration, the qualified electors shall vote upon said Amendment which shall be set out on the ballot, For the Amendment. Yes..... Against the Amendment. No.....

SECTION 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State of Alabama, and the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, and the laws concerning general acts and the Constitutional provisions concerning Amendments to the Constitution.

SECTION 5. That the votes cast at said election shall be counted, canvassed, tabulated, and returns made to the Secretary of State in the manner as in elections for Representatives to the Legislature; and if it appears that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall become a part of the Constitution of Alabama, and shall in all of its intents and purposes be valid as such part of the Constitution of Alabama.

SECTION 6. The result of such election shall be made known by proclamation of the Governor.

SECTION 7. The expense of the election herein provided for, and the cost of the publication of the notice shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

The above and foregoing bill, H. 19, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Snyder:

H. 20. To amend House Bill No. 82 known as the "Sales Tax Bill" to further provide that no city, town or county shall assess any additional sales tax during the life of said bill unless such tax shall first be approved by a majority vote of the people of such city, town or county.

Ways and Means.

By Mr. Jones:

H. 21. A bill to be entitled an act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjourn-

ment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one news paper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of

State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 21, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Davis (Madison):

H. 22. A bill to be entitled an act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "The Legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications

of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the First Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

Section 2. Notice of the Election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"The legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the

appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election returns of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

"(Yes.....)"

"(No.....)."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing Bill, H. B. 22, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Stone:

H. 23. A Bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections and for punishing frauds at the same, but shall not make primary

elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

"(-----) Yes

(-----) No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 23, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Sanderson:

H. 24. A bill to be entitled An Act to provide for and submit to the qualified electors of the State of Alabama, at the General election to be held on the 11th day of July 1939 an amendment to the Constitution of Alabama, as follows: "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society; "to provide for notice of said election; to provide the form of ballot for the canvassing of returns and to prescribe the method whereby the result of said election shall be known and to further provide for expenses and costs of publication of notices of this proposed amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of this State for their consideration at the General election to be held on the 11th day of July, 1939, to-wit: "The Courts, in all counties of Alabama having original jurisdiction of Criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation and may hereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society."

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this Act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama:" "The Courts in all counties of Alabama, having original jurisdiction in criminal cases, may suspend the execution or imposition of sentences upon persons convicted of crime, where the punishment does not exceed five years imprisonment, and place such persons on probation, and may thereafter impose sentence or order sentence executed, or remit such punishment as may seem to the court right and just and to the best interest of society." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark made by him, or under his direction opposite the word expressing his desire.

Section 4. That the votes cast at such election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such a part of the Constitution.

Section 5. That the result of such election be made known by proclamation of the Governor.

Section 6. That the expenses and the cost of the publication of the notices, shall be paid out of the State Treasury.

The above and foregoing bill, H. 24, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Ellis:

H. 25. An Act to propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the Legislature to levy an income tax for the calendar year 1933, and for each year thereafter; to prescribe the maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature and/or the several counties and municipalities of the State shall reduce the County ad valorem taxes on homesteads, authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 per cent nor 3 per cent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependant member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama, shall reduce the County Ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal Ad Valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, from time to time when and to such an

amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County, and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on October 1st, 1932, are paid and thereafter used exclusively for the reduction of County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten per cent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than fifteen hundred dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to be the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama shall reduce the County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of Alabama of 1901, from time to time when and to such an

amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes.....) (No.....).

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 25, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Graves:

H. 26. To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution to borrow money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purposes specified in said Act from any private person or corporation or lending agency as well as from Federal agencies.

Ways and Means.

By Mr. Henson:

H. 27. To amend paragraph 5 of Section 2 of the Code of 1923 as amended by Act approved September 6, 1927.

Judiciary.

ADJOURNMENT

On motion of Mr. Waldrop, the House, in accordance with a Senate Joint Resolution heretofore adopted, adjourned, until Friday, March 17th, 1939, at twelve o'clock Noon.

SECOND DAY

House of Representatives,
Montgomery, Alabama.
Friday, March 17th., 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with Prayer by Rev. T. Boyd Clayton, of Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Cope	Hall	McDanal
Allen	Davis (Madison)	Hardwick	Nation
Austin	Davis (Montgomery)	Haynes	Neighbors
Bagley	Dearman	Henson	Newman
Ball	Delony	Hill	Norman (Bullock)
Barchard	Devers	Hodo	Payne
Barnes	Dobbs	Jones	Peacock
Beck	Doster	Kaul	Petrey
Booth	Dominick	Langan	Phillips
Boswell	Ellis	Langley	Pitts
Branyon	Flowers	Locke	Pool
Brown (Covington)	Garrett	Lovelace	Quarles
Brown (Lee)	Gewin	Martin	Robertson (Cullman)
Carwile	Golson	Mathews (Clarke)	Robinson (Lowndes)
Chewning	Graham	Matthews (Jackson)	Robinson (St. Clair)
Clayton	Graves	Mayhall	Sadler
Cobb	Green	Miller	Sanderson
Cook	Gwin	McCord	Scott

Segrest
Sessions
Sherrer
Sightler
Smyer
Snyder

Spence
Stallings
Stone
Taylor
Tidmore
Toomer

Tucker
Waldrop
Wallace
Welch
Weston

Whigham
White
Wood
Wright
Young

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A quorum was present.

LEAVE OF ABSENCE

was granted to Messrs. Christopher, Collier, Hare, Jenkins, Megginson McGowin, Norman of Lowndes, Owens, Thomas and Walden for today.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the First Legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the First Legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the First Legislative day was approved.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McCord:

H. 28. A bill to be entitled an act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this Amendment is proposed. An Amendment to the Constitution of Alabama whereby the following school districts: Attalla and Montevallo, as now or hereafter constituted. in the State of Alabama may levy and collect a Special District Tax not exceeding thirty cents (\$0.30) on each one hundred dollars worth of taxable property in such district, in addition to that now

authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such school district and voted for by a majority of those voting at such election.

Be it enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this Amendment is proposed, to wit; at the following school districts as defined in Section 2 of Article XIX of the Constitution; Attalla and Montevallo, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such school district and voted for by a majority of those voting in such election. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the Cities of Attalla and Montevallo respectively to the Court of County Commissioners or other governing body of the County in which said City is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said Special Tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and results declared as provided in Article XIII of the School Code of 1923, or other method provided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following: viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama; The following school districts as defined in Section 2, Article XIX of the Constitution; Attalla and Montevallo as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election. Upon the request of the City Board of Education or such Governing Board of Education as is exercising the duties of the City Board of Education of the Cities of Attalla and Montevallo, respectively, to the Court of County Commissioners or other governing body of the County in which said City is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said Special Tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying School District Taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force. Yes. No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed

amendment, voted in favor of same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 28, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Branyon:

H. 29. A bill to be entitled an act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months after the final adjournment of the present Special Session of the Legislature, for their consideration, an amendment to the Constitution of Alabama to provide for the payment of the sum of \$4,026,965.46 which was due by the State on October 1, 1932, as shown by the records of the State Comptroller's office to the School Boards of the several counties of Alabama on account of Trust Funds created and collected under Sections 257, 258, and 260 of the Constitution, which is still due and unpaid and being a part of the floating debt of the State on October 1, 1932.

Be it enacted by the Legislature of Alabama:

SECTION 1. Whereas, the State was on October 1st, 1932, indebted to the School Boards of the several counties of the State in the sum of \$4,026,965.46, as shown by the records of the State Comptroller's office, on account of Trust Funds created and collected under Sections 257, 258, and 260 of the Constitution for the support and maintenance of the public schools of the State to be apportioned to the several counties as provided under Section 256 of the Constitution, said amount being still due and unpaid, and, Whereas, the people on August 3rd, 1933, duly adopted an amendment to the Constitution, under which the Legislature was given power to levy and collect income taxes, all income derived from such tax to be held in trust for the payment of the floating debt of Alabama until all debts due on October 1st, 1932, are paid and thereafter used exclusively for the reduction of State ad valorem taxes; therefore, it is hereby declared by this amendment that the State is due the School Boards of the several counties of the State the sum of \$4,026,965.46 as of October 1st, 1932, as shown by the records of the State Comptroller's office, on account of trust funds created and collected under Sections 257, 258, and 260 of the Constitution, said amount being a part of the floating debt of the State on October 1st, 1932. The said amount of \$4,026,965.46 to be apportioned to the several counties as provided under Section 256 of the Constitution as follows:

ALLOCATION OF \$4,026,965.46 PUBLIC SCHOOL FUNDS ON BASIS OF 1932 CENSUS

County	1932 Census 7-20 Inclusive	Amount
Autauga	6,901	\$ 33,431.80
Baldwin	8,786	42,563.66
Barbour	11,109	53,817.41
Bibb	6,148	29,783.91
Blount	9,430	45,683.51
Bullock	7,586	36,750.28
Butler	10,195	49,389.55
Calhoun	17,118	82,927.93
Chambers	14,191	68,748.12
Cherokee	7,000	33,911.41
Chilton	8,442	40,897.16
Choctaw	6,269	30,370.09
Clarke	8,877	43,004.51
Clay	6,219	30,127.87
Cleburne	4,452	21,567.66
Coffee	10,935	52,974.47
Colbert	10,540	51,060.90
Conecuh	8,307	40,243.16
Coosa	4,388	21,257.61
Covington	13,620	65,981.92
Crenshaw	7,647	37,045.79
Cullman	14,450	70,002.84
Dale	7,654	37,079.71
Dallas	19,110	92,578.15
DeKalb	13,500	65,400.58
Elmore	10,237	49,593.02
Escambia	9,611	46,560.37
Etowah	19,570	94,806.61
Fayette	6,060	29,357.59
Franklin	8,384	40,616.18
Geneva	9,555	46,289.08
Greene	5,790	28,049.58
Hale	9,210	44,617.73
Henry	7,682	37,215.35
Houston	13,661	66,180.54
Jackson	12,596	61,021.16
Jefferson	105,083	509,073.25

Lamar	5,918	28,669.68
Lauderdale	14,370	69,615.28
Lawrence	9,188	44,511.15
Lee	12,049	58,371.23
Limestone	12,071	58,477.80
Lowndes	10,422	50,489.25
Macon	8,647	41,890.28
Madison	19,564	94,777.55
Marengo	12,160	58,908.96
Marion	8,911	43,169.22
Marshall	13,204	63,966.61
Mobile	30,506	147,785.93
Monroe	10,379	50,280.93
Montgomery	30,280	146,691.07
Morgan	13,991	67,779.22
Perry	9,339	45,242.67
Pickens	8,488	41,120.00
Pike	10,642	51,555.03
Randolph	8,947	43,343.63
Russell	10,172	49,278.12
St. Clair	8,499	41,173.30
Shelby	8,703	42,161.57
Sumter	10,000	48,444.87
Talladega	15,772	76,407.25
Tallapoosa	10,312	49,956.35
Tuscaloosa	19,262	93,314.51
Walker	18,754	90,853.51
Washington	5,076	24,590.62
Wilcox	9,691	46,947.93
Winston	5,617	27,211.48
Total	831,247	\$4,026,965.46

All of which is hereby ratified and confirmed.

The Warrant Commission composed of the Governor, the State Comptroller, and the Attorney General, created under an Act of the Legislature, approved April 17th, 1933, and being Act number 177 on page 189 of the Acts of 1933, is hereby empowered and directed to issue to the School Boards of the Several Counties interest bearing negotiable warrants and/or other instruments for amounts due said counties as above set out, in strict accordance with said Act in amount not to exceed \$4,026,965.46, the total amount due. All warrants and/or other instruments to be issued representing such indebtedness shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby

irrevocably pledged, and such warrants and/or other instruments shall be exempt forever from all taxes of every kind. To create a sinking fund for the prompt and faithful payment of said warrants and/or other instruments and interest thereon, the surplus of the net proceeds of any income tax which may be levied by the Legislature pursuant to law, after providing for the payment of all bonds with interest thereon, issued under and pursuant to an Act of the Legislature, "To authorize and provide for the issuance of Refunding Bonds of the State of Alabama for the Purpose of Refunding Bonds issued or to be issued pursuant to Act No. 177 of the Legislature of Alabama passed at its Extraordinary Session of Nineteen Thirty Three and approved April 17, 1933, and validating said Bonds issued pursuant to Act No. 177. To provide for a sinking fund and to make an appropriation from the State Treasury to meet the deficiencies in the sinking fund and for expenses in refunding said bonds," approved February 8, 1935," as hereby pledged, provided, nothing in this amendment shall be so construed as to impair the sinking fund created and provided under the Warrant amendment, adopted by the people on August 3rd, 1933, to secure the payment of that portion of the floating debt of the State, with interest, ratified, and confirmed by said amendment and the sinking fund provided for under said amendment shall remain inviolate.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks, next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following, viz; "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"Whereas, the State was, on October 1st, 1932, indebted to the School Boards of the several counties of the State in the sum of \$4,026,965.46, as shown by the records of the State Comptroller's office, on account of trust funds created and collected under Sections 257, 258, and 260 of the Constitution for the support and maintenance of the public schools of the State to be apportioned to the several counties as provided under Section 256 of the Constitution, said amount being still due and unpaid, and whereas, the people on August 3, 1933, duly adopted an amendment to the Constitution, under which the Legislature was given power to levy and collect Income taxes. All income derived from such tax to be held in trust for the payment of the floating debt of Alabama

until all debts due on October 1st, 1932, are paid and thereafter used exclusively for the reduction of State ad valorem taxes; therefore, it is hereby declared by this amendment that the State is due the School Boards of the several counties of the State the sum of \$4,026,965.46, as of October 1st, 1932, as shown by the records of the State Comptroller's office, on account of trust funds created and collected under Sections 257, 258, and 260 of the Constitution, said amount being a part of the floating debt of the State on October 1st, 1932. The said amount of \$4,026,965.46 to be apportioned to the several counties as provided under Section 256 of the Constitution as follows:

ALLOCATION OF \$4,026,965.46 PUBLIC SCHOOL FUNDS
ON BASIS OF 1932 CENSUS

County	1932 Census 7-20 Inclusive	Amount
Autauga	6,901	\$ 33,431.80
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Cullman	14,450	70,002.84
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Dallas	19,110	92,578.15
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Elmore	10,237	49,593.02
Escambia	9,611	46,560.37
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Franklin	8,384	40,616.18
Geneva	9,555	46,289.08
Greene	5,790	28,049.58
Hale	9,210	44,617.73
Henry	7,682	37,215.35
Houston	13,661	66,180.54
Jackson	12,596	61,021.16
Jefferson	105,083	509,073.25
Lamar	5,918	28,669.68
Lauderdale	14,370	69,615.28
Lawrence	9,188	44,511.15
Lee	12,049	58,371.23
Limestone	12,071	58,477.80
Lowndes	10,422	50,489.25
Macon	8,647	41,890.28
Madison	19,564	94,777.55
Marengo	12,160	58,908.96
Marion	8,911	43,169.22
Marshall	13,204	63,966.61
Mobile	30,506	147,785.93
Monroe	10,379	50,280.93
Montgomery	30,280	146,691.07
Morgan	13,991	67,779.22
Perry	9,339	45,242.67
Pickens	8,488	41,120.00
Pike	10,642	51,555.03
Randolph	8,947	43,343.63
Russell	10,172	49,278.12
St. Clair	8,499	41,173.30
Shelby	8,703	42,161.57
Sumter	10,000	48,444.87
Talladega	15,772	76,407.25
Tallapoosa	10,312	49,956.35
Tuscaloosa	19,262	93,314.51
Walker	18,754	90,853.51
Washington	5,076	24,590.62
Wilcox	9,691	46,947.93
Winston	5,617	27,211.48
Total	831,247	\$4,026,965.46

All of which is hereby ratified and confirmed.

The Warrant Commission composed of the Governor, the State Comptroller, and the Attorney General, created under an Act of the Legislature, approved April 17, 1933, and being Act number 177 on page 189 of the Acts of 1938, is hereby empowered and directed to issue to the School Boards of the several counties interest bearing negotiable warrants and/or other instruments for amounts due said counties as above set out, in strict accordance with said Act in amount not to exceed \$4,026,965.46, the total amount due. All warrants and/or other instruments to be issued representing such indebtedness shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such warrants and/or other instruments shall be exempt forever from all taxes of every kind. To create a sinking fund for the prompt and faithful payment of said warrants and/or other instruments and interest thereon, the surplus of the net proceeds of any income tax which may be levied by the Legislature pursuant to law, after providing for the payment of all bonds with interest thereon, issued under and pursuant to an Act of the Legislature, "To authorize and provide for the issuance of Refunding Bonds of the State of Alabama for the Purpose of Refunding Bonds issued or to be issued pursuant to Act No. 177 of the Legislature of Alabama passed at its Extraordinary Session of Nineteen Thirty Three and approved April 17, 1933, and validating said bonds issued pursuant to Act No. 177. To provide for a sinking fund and to make an appropriation from the State Treasury to meet the deficiencies in the sinking fund and for expenses in refunding said bonds," approved February 8, 1935," is hereby pledged, provided nothing in this amendment shall be so construed as to impair the sinking fund created and provided under the Warrant amendment, adopted by the people on August 3rd, 1933, to secure the payment of that portion of the floating debt of the State, with interest, ratified and confirmed by said amendment and the sinking fund provided for under said amendment shall remain inviolate."

"Yes....." "No....."

The above and foregoing Bill, H. B. 29, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Hodo:

H. 30. To authorize county and city boards of education school warrants as legal investments of trust funds.

Judiciary.

By Mr. Newman and Mr. Weston :

H. 31. A bill to be entitled an act to propose an amendment to Section 256 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama :

SECTION 1. The following amendment to Section 256 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows :

"Section 256. The Legislature shall establish, organize and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race. Elementary and secondary education up to and including the twelfth grade in high school is hereby declared to be an essential function of State government in Alabama."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 256 of the Constitution of Alabama?"

"Section 256. The legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven

and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race. Elementary and secondary education up to and including the twelfth grade in high school is hereby declared to be an essential function of State Government in Alabama."

"(Yes.....)

"(No.....)

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such elections shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 31, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Hardwick:

H. 32. A bill to be entitled an act to propose an amendment to Section 50 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 50 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after final adjournment of the present session of the

Legislature. The proposed amendment is as follows: "Section 50. The Legislatures shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties as prescribed in this constitution; provided, that in addition to the above number of representatives, each county created after the adoption of the Constitution of Alabama of 1901 shall be entitled to at least one representative, and in the event the population of any such county exceeds twenty-five thousand, such county shall be entitled to one additional representative."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 50 of the Constitution of Alabama?"

"Section 50. The Legislatures shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties as prescribed in this constitution; provided, that in addition to the above number of representatives, each county created after the adoption of the Constitution of Alabama of 1901 shall be entitled to at least one representative, and in the event the population of any such county exceeds twenty-five thousand, such county shall be entitled to one additional representative."

"(Yes.....)

(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 32, proposing an amendment to the Constitution was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 1. To amend Section 2932 of the Code of 1923, so as to read as follows: The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama."

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with amendment:

H. 2. (With amendment). To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 16. To further define the powers, functions and duties of the State Treasurer.

Mr. Dominick, Acting Chairman of the Standing Committee on Ways and Means, reported that said committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report with Amendment:

H. 26. (With amendment). To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution to borrow

money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purposes specified in said Act from any private person or corporation or lending agency as well as from Federal agencies.

Mr. Robertson, Chairman of the Standing Committee on Banks and Banking, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 4. To provide for the release and discharge of banks or trust companies in the event payment of deposits made in the name of two persons, payable to either, or payable to either or the survivor, is made to either of such persons, whether the other be living or not.

H. 5. To make it unlawful and to fix the punishment for making or using false statements in writing to obtain property or credit.

H. 8. To grant a bank or trust company the option to refuse payment of a check or other instrument payable on demand at such bank or trust company, in the event such check or instrument payable on demand is presented more than six months after its date, and to relieve the bank or trust company of liability to the drawer or maker for dishonoring the check or other demand instrument by nonpayment thereof.

H. 9. To amend subdivision (3) of Section 9037 of the Code of Alabama of 1923.

H. 17. To make legal and not usurious any secured or unsecured loan in a principal amount not exceeding \$2500.00 and interest thereon by those regularly engaged in the business of lending money in the State of Alabama, which loan is made payable in periodic installments over a period of not exceeding twenty-four months, and the charging and collection of discount or interest on

the total principal amount of the loan at a rate not exceeding eight per cent. per annum from the date of the loan to the maturity date of the last maturing installment as though such total principal amount would be payable on the maturity date of the last maturing installment, such discount or interest to be payable either in full at the date of the making of the loan or by aggregating such discount or interest with the principal and making such aggregate payable in periodic installments and to accordingly modify and amend existing laws relating to usury.

The above and foregoing bills were severally read a second time and placed on the calendar.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 15. A bill to be entitled an act to propose an amendment to Section 178 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to Section 178 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 178 of the Constitution of Alabama?"

"Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

"(Yes _____)
"(No _____)"

SECTION 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

SECTION 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 15, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 11. A Bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega".

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment of the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, com-

missions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega. Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast there at shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

The above and foregoing bill, H. 11 proposing an amendment to the Constitution was read a second time at length and paced on the Calendar.

H. 13. A bill to be entitled an act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in

cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other Court of competent jurisdiction as may be by law established."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other court of competent jurisdiction as may be by law established."

"(Yes.....)

(No)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 13, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 21. A bill to be entitled an act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as here-

in provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 21, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 22. A bill to be entitled an act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election, by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said

election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "The Legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the First Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

Section 2. Notice of the Election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"The legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election returns of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty con-

secutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each members of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.'

"(Yes.....)

"(No.....)."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 22, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 23. A Bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the pres-

ent session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same,

and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.'

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 23, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 25. An Act to propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the Legislature to levy an income tax for the calendar year 1933, and for each year thereafter; to prescribe the maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature and/or the several counties and municipalities of the State shall reduce the County ad valorem taxes on homesteads, authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 per cent nor 3 per cent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependant member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama, shall reduce the County Ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal Ad Valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County, and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on October 1st, 1932, are paid and thereafter used exclusively for the reduction of County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclama-

mation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten per cent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than fifteen hundred dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to be the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama shall reduce the County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of Alabama of 1901, from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes.....) (No.....).

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon

the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 25, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

H. 10. A Bill to be entitled An Act to propose an amendment to to the Constitution of Alabama creating a Board of Apportionment and defining the duties thereof relating to apportioning the membership of the Senate and of the House of Representatives in the event of the failure of the Legislature to apportion said membership as provided by law, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate, and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Representatives and the Senate, in accordance with the provisions hereof:

(1) The membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State,

respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportionment made either by action of the Legislature or by the Board of Apportionment.

(2) The Board of Apportionment shall divide the state into as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment.

(3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be instituted in the Supreme Court within such period, as hereinafter authorized.

"Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be ex-

exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the Clerk thereof, forthwith transmitted to the Secretary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

"At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate, and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Representatives and the Senate, in accordance with the provisions hereof: (1) The

membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State, respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportionment made either by action of the Legislature or by the Board of Apportionment. (2) The Board of Apportionment shall divide the State into as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment. (3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county, and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be insti-

tuted in the Supreme Court within such period, as hereinafter authorized.

“Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the clerk thereof, forthwith transmitted to the Secretary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

“At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith.”

“() Yes

“() No”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. No. 10, proposing an amendment to the Constitution was read a second time at length and placed on the calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 8—Be it resolved by the Senate, the House concurring, that when the two Houses of the Legislature adjourn today, they adjourn to meet again Tuesday, March 21st at 12 o'clock noon.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones the House concurred in and adopted the S. J. R. 8 set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following joint resolution and returns same herewith to the House:

H. J. R. 5. Relative to the Legislature urging an increase in Federal grants-in-aid to the States for aid to dependant children.

J. E. Speight,
Secretary.

ADJOURNMENT

On motion of Mr. Jones the House, in accordance with a Senate joint resolution heretofore adopted, adjourned until Tuesday, March 21st, 1939, at twelve o'clock, noon.

THIRD DAY

House of Representatives,
Montgomery, Alabama.

Tuesday, March 21, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with Prayer by Rev. Dr. T. C. Casady of Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names.

Mr. Speaker	Dobbs	Martin	Scott
Allen	Doster	Mathews (Clarke)	Segrest
Austin	Dominick	Mathews (Jackson)	Sessions
Bagley	Ellis	Mayhall	Sherrer
Ball	Flowers	Megginson	Sightler
Barchard	Garrett	Miller	Smyer
Barnes	Gewin	McCord	Snyder
Beck	Colson	McDanal	Spence
Booth	Graham	McGowin	Stallings
Boswell	Graves	Nation	Stone
Branyon	Green	Neighbors	Taylor
Brown (Lee)	Gwin	Newman	Thomas
Carwile	Hall	Norman (Bullock)	Tidmore
Castleberry	Hardwick	Norman (Lowndes)	Toomer
Chewning	Hare	Owens	Tucker
Christopher	Haynes	Payne	Walden
Clayton	Henson	Peacock	Waldrop
Cobb	Hill	Petrey	Wallace
Collier	Hodo	Phillips	Welch
Cook	Jenkins	Pitts	Weston
Cope	Jones	Pool	Whigham
Davis (Madison)	Kaul	Quarles	White
Davis (Montgomery)	Langan	Robinson (Lowndes)	Wood
Dearman	Langley	Robinson (St. Clair)	Wright
Delony	Locke	Sadler	Young
Devers	Lovelace	Sanderson	

—103

A quorum was present.

LEAVE OF ABSENCE

was granted to Messrs. Brown of Covington and Robertson for today.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the second legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the second legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the second legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House joint resolution:

H.J.R. 5. Urging the Seventy-sixth Congress of the United States for an increase in Federal grants-in-aid to the States for aid to dependent children; to amend the Social Security Act and to modify the present system of Federal Grants.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title to which is set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

CERTIFICATE OF ELECTION

I, John Brandon, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the special election held on March 14, 1939, received in this department in accordance with law, that the following named was elected to

the House of Representatives, to fill the vacancy caused by the death of J. E. Kelly, from Conecuh County:

Conecuh County — Forrest Castleberry

I further certify that I have issued to Forrest Castleberry as Member of the House of Representatives from Conecuh County a certificate of election.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 18th day of March, 1939.

(SEAL)

John Brandon,
Secretary of State.

OATH OF OFFICE

The Hon. Forrest Castleberry appeared and the Oath of Office was administered to him by the Hon. Thomas E. Knight, Associate Justice of the Supreme Court of Alabama.

INTRODUCTION OF BILLS

On call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Quarles:

H. 33. To fix the salary of the Chief Deputy, appointed by and under the authority conferred on Sheriffs by Sect. 10188 of the Code of Alabama 1923, in all counties in this State which may hereafter have a population of 50,000 people and less than 60,000 people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same: Judiciary.

By Mr. Beck:

H. 34. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to amend Sections 197 and 198 and to repeal Sections 50, 199, 200, 201, 202 and 203 thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama to amend Sections 197 and 198 and to repeal Sections 50, 199, 200, 201, 202 and 203 thereof is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for

the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 197. After the expiration of the term of the members of the present Legislature, the Senate shall consist of one Senator from each County.

"Section 198. After the expiration of the term of the members of the present Legislature, the House of Representatives shall consist of one member each from the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington and Winston; two members each from the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Cullman, DeKalb, Elmore, Hale, Henry, Houston, Jackson, Lauderdale, Lee, Lowndes, Marengo, Marshall, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Walker and Wilcox; three members each from the counties of Dallas, Etowah, Madison and Tuscaloosa; four members from the county of Montgomery; five members from the county of Mobile; fourteen members from the county of Jefferson; and one member from each new county created after the adoption of this amendment. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, each county shall be entitled, in addition to the number of members herein specified, to one additional member for each thirty-five thousand inhabitants over and above the number of inhabitants in such county according to the preceding decennial census. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, it shall be mandatory for the Governor, using the provisions of this amendment as a basis, to determine the county or counties, if any, that are entitled to additional members and the number of additional members to which each such county or counties is entitled, and he shall by proclamation declare the name or names of such county or counties, and the number of additional members to which such county or counties is entitled.

"Sections 50, 199, 200, 201, 202 and 203 of the Constitution of Alabama are hereby expressly repealed."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amend-

ment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"Section 197. After the expiration of the term of the members of the present Legislature, the Senate shall consist of one Senator from each county.

"Section 198. After the expiration of the term of the members of the present Legislature, the House of Representatives shall consist of one member each from the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington and Winston; two members each from the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Cullman, DeKalb, Elmore, Hale, Henry, Houston, Jackson, Lauderdale, Lee, Lowndes, Marengo, Marshall, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Walker and Wilcox; three members each from the counties of Dallas, Etowah, Madison and Tuscaloosa; four members from the county of Montgomery; five members from the county of Mobile; fourteen members from the county of Jefferson; and one member from each new county created after the adoption of this amendment. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, each county shall be entitled, in addition to the number of members herein specified, to one additional member for each thirty-five thousand inhabitants over and above the number of inhabitants in such county according to the preceding decennial census. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, it shall be mandatory for the Governor, using the provisions of this amendment as a basis, to determine the county or counties, if any, that are entitled to additional members and the number of additional members to which each such county or counties is entitled, and he shall by proclamation declare the name or names of such county or counties, and the number of additional members to which such county or counties is entitled.

"Sections 50, 199, 200, 201, 202 and 203 of the Constitution of Alabama are hereby expressly repealed."

"(Yes.....)

(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 34, proposing an amendment to the Constitution, was read one time at length and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Castleberry:

H. 35. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to provide for the cancellation of all primary, general or special elections for nomination or election of state, county or municipal officers when there is no opposition, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Any primary, general or special election scheduled to be held in this state for the nomination or election of state, county or municipal officers shall automatically be cancelled when only one candidate has offered, or been offered, for each office as may be at stake, upon expiration of such time limit as may be fixed by statute, or otherwise, for filing of candidacies. The unopposed candidate or candidates thereupon shall be declared duly and legally nominated or elected to the office sought and a certificate of nomination or election issued to him or them by the proper authority. Provided this article shall not be applicable when any constitutional amendment or other proposal for acceptance or rejection by the people has previously been submitted for a decision at said election."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation

of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four consecutive weeks next preceeding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?

"Any primary, general or special election scheduled to be held in this state for the nomination or election of state, county or municipal officers shall automatically be cancelled when only one candidate has offered, or been offered, for each office as may be at stake, upon expiration of such time limit as may be fixed by statute, or otherwise, for filing of candidacies. The unopposed candidate or candidates thereupon shall be declared duly and legally nominated or elected to the office sought and a certificate of nomination or election issued to him or them by the proper authority. Provided this article shall not be applicable when any constitutional amendment or other proposal for acceptance or rejection by the people has previously been submitted for a decision at said election."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 35, proposing an amendment to the Constitution, was read one time at length, and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Castleberry:

H. 36. To amend Section 1508, Chapter 37, of the Political Code of Alabama, 1923.

Judiciary.

By Mr. Castleberry:

H. 37. To amend Section 1507, Chapter 37, of the Political Code of Alabama.

Judiciary.

By Mr. Devers (with notice and proof):

H. 38. To create and establish a Board of Revenue for Jackson County in the place of the present Commissioners' Court now existing in said County, to consist of a Chairman and four members; to provide for the time and manner of the election of the Chairman of said Board by the qualified electors of the County at large; to provide for the time and manner of the election of one member of said Board from and by the qualified electors of each of the four Board of Revenue Districts of said County; to provide for the powers, duties and compensation of the Chairman of the Board of Revenue and for the powers, duties, and compensation of the said Board and of the several members thereof; to provide for the procedure for audit and allowance of claims against the County by the said Board; to provide for the manner in which said Board may bind the County by contract and to provide for the publishing in some newspaper published in Jackson County, Alabama, the minutes of said Board of Revenue in the next issue of said newspaper next succeeding the adoption of the same.

Local Legislation No. 1.

Notice and proof H. 38:

NOTICE OF LEGISLATION

Notice is hereby given that a bill be introduced at the ensuing Session of the Legislature of Alabama, and its enactment into law sought, for the following purposes, to wit: To abolish the Commissioner's Court of Jackson County, Alabama, and to create in lieu thereof a Board of Revenue of Jackson County consisting of a Chairman and four members; to provide for the time and manner of the election of the Chairman of said Board by the qualified electors of the county at large; and to provide for the time and manner of the election of one member of said Board from and by the qualified electors of each of the four Board of Revenue Districts of said county; to provide for the salary and compensation, and the manner of the payment thereof, of the Chairman and members thereof; to provide that the authority, powers and duties of said Board, and of the several members thereof, shall be the same as is now or may hereafter be provided by law for county governing bodies and the members thereof; to provide for the procedure for the audit and allowance of claims against the county by the said Board and the manner in which they may bind the county by contract.

This February 3, 1939

J. M. DEVERS.

2-7-4t.

STATE OF ALABAMA, JACKSON COUNTY

Before me, John B. Tally, a notary Public in and for said county and state, personally appeared P. W. Campbell, who is known to me to be the publisher of the Jackson County Sentinel, a newspaper published Tuesdays

at Scottsboro, Alabama, who states under oath that the attached notice of Proposed Legislation was published in said newspaper four successive weeks, to-wit: Feb. 7, 14, 21, 28th, 1939.

P. W. CAMPBELL,
Publisher The Sentinel

Sworn to and subscribed before me, this March 20, 1939.

JOHN B. TALLY,
Notary Public.

By Mr. Smyer:

H. 39. To further regulate County Commissions, the designation of the members thereof and their election, and to further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census.

Local Legislation No. 2.

By Mr. Smyer:

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census.

Local Legislation No. 2.

By Mr. Young:

H. 41. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

Article No person who honorably served in the military or naval service of the United States between April 21, 1896 and July 4, 1902, nor the wife nor widow of any such person, nor the wife nor the widow of any person who honorably served in the military or naval service of the United States between January 1, 1917 and November 11, 1918 shall be required to pay the poll tax mentioned in the Constitution of Alabama. Such persons shall be exempt from the payment of all poll tax which have ac-

crued or may hereafter accrue. This section shall be self-executing and retroactive. The Judge of Probate shall issue certificates of exemption from payment of such poll tax to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county of the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as amendment to Section 194 of the Constitution of Alabama?"

Article ----- No person who honorably served in the military or naval service of the United States between April 21, 1896 and July 4, 1902, nor the wife nor widow of any such person, nor the wife nor the widow of any person who honorably served in the military or naval service of the United States between January 1, 1917 and November 11, 1918 shall be required to pay the poll tax mentioned in the Constitution of Alabama. Such persons shall be exempt from the payment of all poll tax which have accrued or may hereafter accrue. This section shall be self-executing and retroactive. The Judge of Probate shall issue certificates of exemption from payment of such poll tax to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 41, proposing an amendment to the Constitution, was read one time at length, and referred to

the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Jones:

H. 42. To make an appropriation of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.
Appropriations.

By Mr. Toomer:

H. 43. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "When authorized by appropriate laws passed by the Legislature, the State through the State Board of Agriculture and Industries or other governing agency of the State may establish, promote, develop, construct, maintain, and operate concentration produce markets within the State of Alabama and engage in works of internal improvement to the extent necessary to establish, promote, develop, construct, maintain and operate such markets."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"When authorized by appropriate laws passed by the Legislature, the State through the State Board of Agriculture and Industries or other governing agency of the State may establish, promote, develop, construct, maintain and operate concentration

produce markets within the State of Alabama and engage in works of internal improvement to the extent necessary to establish, promote, develop, construct, maintain and operate such markets.'

"(Yes.....)

(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 43, proposing an amendment to the Constitution, was read one time at length, and referred to the Standing Committee on Constitution and Constitutional Amendments.

By Mr. Dominick:

H. 44. To provide an appropriation for the construction and repair of buildings and for equipment of the Partlow State School for Mental Deficients and to provide when same shall be paid.

Appropriations.

By Messrs. McDanal and Scott (with notice and proof):

H. 45. To require the Walker County Board of Education to assume and pay the fifty five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937, which bonds were issued under Ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Local Legislation No. 1.

Notice and proof H. 45:

NOTICE

Notice is hereby given that a Bill, substantially as follows, will be introduced, for passage by the Legislature of Alabama:

A BILL

To Be Entitled

AN ACT

To require the Walker County Board of Education to assume and pay the fifty-five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937, which bonds were issued under ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Section 1. That the County Board of Education of Walker County, Alabama, be and is hereby authorized and required to assume and pay the fifty-five bonds, in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937; which bonds were issued under ordinance adopted by the Town of Cordova on August 21, 1937, in lieu of other bonds then outstanding, which other bonds had been sold and the proceeds applied to the construction of a public school building in the Town of Cordova, which school building and the lot upon which the same was erected, was thereafter conveyed by the Town of Cordova to the Walker County Board of Education and is now used as a part of the public school system of Walker County. Said bonds are payable as follows: \$500.00 on the 1st day of September of each of the following years: 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962 and 1963, and \$750.00 on the 1st day of September, 1964, and bearing interest at the rate of four per centum per annum, payable semi-annually, at the First National Bank of Jasper, Alabama.

Section 2. The Walker County Board of Education is authorized and required to issue its warrants, bearing interest at the rate of four per centum per annum, in the same numbers and amounts, respectively, as the said fifty-five Town of Cordova bonds, and with the same maturity dates, respectively, as said bonds; and said warrants shall be paid, when due, out of any funds in the hands of the Walker County Board of Education. Said warrants shall be issued and offered in exchange, respectively, for the said bonds, and shall be exchanged for said bonds, upon the cancellation and delivery of said bonds to the Walker County Board of Education. Such exchange shall be effected for all or any portion of such bonds.

Section 3. This Act shall take effect upon its approval by the Governor. This, the 21st day of February, 1939.

J. L. CARAWAY,
W. E. MOSELEY,
J. W. SHORT,

AFFIDAVIT

STATE OF ALABAMA {
COUNTY OF WALKER }

Before me, the undersigned authority in and for said State and County, this day personally appeared W. W. Gunter, Editor of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has

been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice, who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle for 4 consecutive weeks, namely; Feb. 23, March 2, 9 & 16, 1939.

THE MOUNTAIN EAGLE,
By W. W. GUNTER,
Editor

SWORN AND SUBSCRIBED TO BEFORE ME,
This 20 day of March, 1939.

(Seal)

MRS. ANNIE DAVIS,
Notary Public.

BILLS ON SECOND READING

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 12. A bill to be entitled an act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as 'National Housing Act,' provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as "National Housing Act," provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 12, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

H. 31. A bill to be entitled an act to propose an amendment to Section 256 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expira-

tion of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to Section 256 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 256. The Legislature shall establish, organize and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years; The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race. Elementary and secondary education up to and including the twelfth grade in high school is hereby declared to be an essential function of State government in Alabama."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 256 of the Constitution of Alabama?"

"Section 256. The legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years; The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration

in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race. Elementary and secondary education up to and including the twelfth grade in high school is hereby declared to be an essential function of State Government in Alabama."

"(Yes.....)

"(No)

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such elections shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above an foregoing bill, H. 31, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

H. 32. A bill to be entitled an act to propose an amendment to Section 50 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 50 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 50. The Legislatures shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties as prescribed in this constitution; provided, that in addition to the above number of representatives, each county created after the adoption of the Constitution of Alabama of 1901 shall be

entitled to at least one representative, and in the event the population of any such county exceeds twenty-five thousand, such county shall be entitled to one additional representative."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 50 of the Constitution of Alabama?"

"Section 50. The Legislatures shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties as prescribed in this constitution; provided, that in addition to the above number of representatives, each county created after the adoption of the Constitution of Alabama of 1901 shall be entitled to at least one representative, and in the event the population of any such county exceeds twenty-five thousand, such county shall be entitled to one additional representative."

"(Yes.....)

(No)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 32, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

BILLS ON THIRD READING

H. 1 To amend Section 2932 of the Code of 1923, so as to read as follows: The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama."

Was read a third time at length and passed.

Yeas, 95; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sessions
Allen	Dominick	Mayhall	Sherrer
Austin	Ellis	Megginsin	Sightler
Bagley	Flowers	Miller	Smyer
Ball	Garrett	McCord	Snyder
Barchard	Gewin	McDanal	Spence
Barnes	Golson	McGowin	Stallings
Beck	Graham	Nation	Stone
Booth	Green	Neighbors	Taylor
Boswell	Gwin	Newman	Thomas
Branyon	Harwick	Norman (Bullock)	Tidmore
Carwile	Haynes	Norman (Lowndes)	Toomer
Chewning	Henson	Owens	Tucker
Christopher	Hill	Payne	Walden
Clayton	Hodo	Peacock	Waldrop
Cobb	Jenkins	Petrey	Wallace
Collier	Jones	Phillips	Welch
Cook	Kaul	Quarles	Weston
Cope	Langan	Robinson (Lowndes)	Whigham
Davis (Madison)	Langley	Robinson (St. Clair)	White
Davis (Montgomery)	Locke	Sadler	Wood
Dearman	Lovell	Sanderson	Wright
Delony	Martin	Scott	Young
Devers	Mathews (Clarke)	Segrest	

—95

On motion of Mr. Merrill the bill, H. 1, was ordered sent forthwith to the Senate without engrossment.

H. 2. (with amendment): To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill No. 2 by adding thereto the following additional Section:

Section 3. The provisions of this Act shall not apply to any bonds which shall be authorized by vote of the people subsequent to the passage of this Act.

And the amendment reported by the Standing Committee on Judiciary to the bill, H. 2, was adopted.

Yeas, 92; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Matthews (Jackson)	Sessions
Allen	Dominick	Mayhall	Sherrer
Austin	Ellis	Megginson	Sightler
Bagley	Flowers	Miller	Smyer
Ball	Garrett	McCord	Snyder
Barchard	Gewin	McDanal	Spence
Barnes	Golson	McGowin	Stallings
Beck	Graham	Nation	Stone
Boswell	Graves	Neighbors	Taylor
Branyon	Gwin	Newman	Thomas
Carwile	Hardwick	Norman (Bullock)	Tidmore
Castleberry	Haynes	Norman (Lowndes)	Toomer
Christopher	Henson	Payne	Tucker
Clayton	Hill	Peacock	Walden
Cobb	Hodo	Petrey	Waldrop
Collier	Jones	Phillips	Wallace
Cook	Kaul	Quarles	Welch
Cope	Langan	Robinson (Lowndes)	Weston
Davis (Madison)	Langley	Robinson (St. Clair)	Whigham
Davis (Montgomery)	Locke	Sadler	White
Dearman	Lovelace	Sanderson	Wood
Delony	Martin	Scott	Wright
Devers	Mathews (Clarke)	Segrest	Young

—92

And said bill:

H. 2. To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

As amended by the amendment reported by the Standing Committee on Judiciary

Was read a third time at length and passed.

Yeas, 92; Nays, 0.

Yeas:

Mr. Speaker	Carwile	Dearman	Graham
Allen	Castleberry	Delony	Graves
Austin	Christopher	Devers	Gwin
Bagley	Clayton	Dobbs	Hardwick
Ball	Cobb	Dominick	Haynes
Barchard	Collier	Ellis	Henson
Barnes	Cook	Flowers	Hill
Beck	Cope	Garrett	Hodo
Boswell	Davis (Madison)	Gewin	Jones
Branyon	Davis (Montgomery)	Golson	Kaul

Langan	Nation	Sanderson	Tidmore
Langley	Neighbors	Scott	Toomer
Locke	Newman	Segrest	Tucker
Lovelace	Norman (Bullock)	Sessions	Walden
Martin	Norman (Lowndes)	Sherrer	Waldrop
Mathews (Clarke)	Payne	Sightler	Wallace
Mathews (Jackson)	Peacock	Smyer	Welch
Mayhall	Petrey	Snyder	Weston
Megginson	Phillips	Spence	Whigham
Miller	Quarles	Stallings	White
McCord	Robinson (Lowndes)	Stone	Wood
McDanal	Robinson (St. Clair)	Taylor	Wright
McGowin	Sadler	Thomas	Young

—92

On motion of Mr. Delony the bill, H. 2, was ordered sent forth-with to the Senate without engrossment.

H. 16. To further define the powers, functions and duties of the State Treasurer.

Was read a third time at length and passed.

Yeas, 84; Nays, 1.

<i>Yeas:</i>			
Mr. Speaker	Dearman	Langan	Robinson (Lowndes)
Allen	Delony	Langley	Robinson (St. Clair)
Austin	Dobbs	Locke	Scott
Bagley	Doster	Lovelace	Sessions
Ball	Dominick	Martin	Sherrer
Barchard	Ellis	Mathews (Clarke)	Sightler
Barnes	Flowers	Mathews (Jackson)	Smyer
Beck	Garrett	Megginson	Spence
Booth	Gewin	Miller	Stallings
Boswell	Golson	McDanal	Stone
Branyon	Graham	McGowin	Thomas
Carwile	Graves	Nation	Tidmore
Castleberry	Green	Neighbors	Toomer
Chewning	Gwin	Newman	Tucker
Christopher	Hardwick	Norman (Bullock)	Welch
Cobb	Hare	Norman (Lowndes)	Weston
Collier	Hill	Payne	Whigham
Cook	Hodo	Peacock	White
Cope	Jenkins	Petrey	Wood
Davis (Madison)	Jones	Phillips	Wright
Davis (Montgomery)	Kaul	Quarles	Young

—84

Nay: Mr. McCord

—1

On motion of Mr. Hodo the bill, H. 16, was ordered sent forth-with to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 10. Be it resolved by the Senate, the House concurring, that when the two Houses of the Legislature adjourn today, they adjourn to meet again Wednesday, March 22, at 10 A.M.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin the House concurred in and adopted the Senate Joint Resolution No. 10, set out in the above and foregoing Message from the Senate.

BILL ON THIRD READING

H. 26. (with amendment): To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State institutions where education is a part of the program of the Institution to borrow money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purpose specified in said Act from any private person or corporation or lending agency as well as from Federal agencies.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Committee Amendment to Section 2 of House Bill No. 26:

Amend Section 2 of House Bill No. 26 by adding after the words "of such Federal Agencies", where they last occur together

therein, the following "or of such private persons, or corporations, or lending agencies."

And the amendment reported by the Standing Committee on Ways and Means to the bill, H. 26, was adopted.

Yeas, 84; Nays, 2.

Yeas:

Mr. Speaker	Dobbs	Langley	Sadler
Allen	Doster	Locke	Sessions
Austin	Dominick	Lovelace	Sherrer
Ball	Ellis	Martin	Sightler
Barchard	Flowers	Matthews (Jackson)	Smyer
Barnes	Garrett	Miller	Spence
Beck	Gewin	McCord	Stallings
Boswell	Golson	McDanal	Stone
Branyon	Graves	McGowin	Taylor
Carwile	Green	Nation	Thomas
Castleberry	Gwin	Newman	Tidmore
Chewning	Hardwick	Norman (Bullock)	Toomer
Christopher	Hare	Norman (Lowndes)	Tucker
Cobb	Haynes	Owens	Waldrop
Cook	Henson	Payne	Wallace
Cope	Hill	Petrey	Welch
Davis (Madison)	Hodo	Phillips	Weston
Davis (Montgomery)	Jenkins	Pool	White
Dearman	Jones	Quarles	Wood
Delony	Kaul	Robinson (Lowndes)	Wright
Devers	Langan	Robinson (St. Clair)	Young

—84

Nays: Messrs. Mathews of Clarke, Peacock

— 2

And said bill:

H. 26. To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State institutions where education is a part of the program of the Institution to borrow money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purposes specified in said Act from any

private person or corporation or lending agency as well as from Federal agencies.

As amended by the amendment reported by the Standing Committee on Ways and Means, was read a third time at length and passed.

Yeas, 79; Nays, 1.

Yeas:

Mr. Speaker	Dobbs	Lovelace	Sessions
Allen	Dominick	Martin	Sherrer
Austin	Ellis	Matthews (Jackson)	Sightler
Ball	Flowers	Megginsin	Smyer
Barchard	Garrett	Miller	Snyder
Barnes	Gewin	McCord	Spence
Beck	Golson	McDanal	Stallings
Branyon	Graham	McGowin	Stone
Carwile	Graves	Neighbors	Thomas
Castleberry	Harwick	Newman	Tidmore
Chewning	Hare	Norman (Bullock)	Tucker
Christopher	Haynes	Norman (Lowndes)	Waldrop
Cobb	Henson	Owens	Wallace
Cook	Hill	Payne	Welch
Cope	Hodo	Peacock	Weston
Davis (Madison)	Jones	Petrey	White
Davis (Montgomery)	Kaul	Pool	Wood
Dearman	Langan	Quarles	Wright
Delony	Langley	Robinson (Lowndes)	Young
Devers	Locke	Sadler	

—79

Nay: Mr. Mathews of Clarke

— 1

On motion of Mr. Graves the bill H 26 was ordered sent forthwith to the Senate without engrossment.

RECESS

On motion of Mr. McGowin the House recessed until two o'clock this afternoon.

THIRD DAY—AFTERNOON SESSION

The hour of two o'clock P.M. having arrived, the House reconvened.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill, and ordered same sent forthwith to the House without engrossment:

By Mr. Weatherford:

S. 8. To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Judiciary—S. 8.

BILLS ON THIRD READING

H. 15. A bill to be entitled an act to propose an amendment to Section 178 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to Section 178 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has

so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 178 of the Constitution of Alabama?"

"Section 178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal."

"(Yes_____)

"(No _____)"

SECTION 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

SECTION 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Mathews, of Clarke, offered the following amendment to the bill, H. 15:

Amend Section 178 of An Act to propose an amendment to Section 178 of the Constitution of Alabama as follows: After the word "elector" on Line 14 strike out the following: "And shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote all poll taxes due from him for the current year and for the two years next preceding;"

On motion of Mr. Miller the amendment offered by Mr. Mathews of Clarke, was tabled.

Yeas, 81; Nays, 7.

Yeas:

Mr. Speaker	Flowers	Mayhall	Sessions
Allen	Garrett	Megginson	Sherrer
Austin	Gewin	Miller	Sightler
Bagley	Golson	McDanal	Smyer
Barnes	Graham	McGowin	Spence
Beck	Green	Nation	Stallings
Boswell	Gwin	Neighbors	Stone
Branyon	Hall	Newman	Taylor
Brown (Lee)	Hardwick	Norman (Bullock)	Tidmore
Castleberry	Hare	Norman (Lowndes)	Toomer
Chewning	Haynes	Payne	Walden
Christopher	Hill	Peacock	Waldrop
Cobb	Hodo	Petrey	Wallace
Collier	Jenkins	Phillips	Welch
Cope	Jones	Pool	Weston
Davis (Madison)	Kaul	Quarles	Whigham
Dearman	Langley	Robinson (Lowndes)	White
Dobbs	Locke	Robinson (St. Clair)	Wood
Doster	Lovelace	Sadler	Wright
Dominick	Martin	Scott	Young
Ellis			

—81

Nays:

Messrs.:

Langan	Mathews (Jackson)	Sanderson	Tucker
Mathews (Clarke)	McCord	Thomas	

— 7

Mr. Tucker offered the following amendment to the bill, H. 15: Amendment to H. 15:

To provide further that all persons who have paid more than two years poll tax shall be re-imbursed out of the State Treasury.

On motion of Mr. Tucker the amendment offered by Mr. Tucker was tabled, and said bill, H. 15, was read a third time at length and lost.

Yeas, 41; Nays, 61.

Yeas:

Mr. Speaker	Castleberry	Davis (Madison)	Golson
Bagley	Chewning	Delony	Graves
Ball	Christopher	Devers	Gwin
Brown (Lee)	Cook	Ellis	Hill

Hodo	Megginson	Owens	Stallings
Jenkins	McCord	Peacock	Stone
Jones	McDanal	Scott	Tucker
Kaul	McGowin	Segrest	Waldrop
Langan	Neighbors	Sessions	Wood
Langley	Newman	Smyer	Young
Matthews (Jackson)			

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Nays:

Allen	Doster	Mathews (Clarke)	Sherrer
Austin	Dominick	McDanal	Sightler
Barchard	Flowers	Miller	Snyder
Barnes	Garrett	Nation	Spence
Beck	Graham	Norman (Bullock)	Taylor
Booth	Gewin	Norman (Lowndes)	Thomas
Boswell	Green	Payne	Tidmore
Branyon	Hall	Petrey	Toomer
Carwile	Hardwick	Phillips	Walden
Clayton	Hare	Pool	Wallace
Cobb	Haynes	Quarles	Welch
Collier	Henson	Robinson (Lowndes)	Weston
Cope	Locke	Robinson (St. Clair)	Whigham
Davis (Montgomery)	Lovelace	Sadler	White
Dearman	Martin	Sanderson	Wright
Dobbs			

—61

RECONSIDERATION

Mr. Miller moved to reconsider the vote by which the bill, H. 15, was lost, and on motion of Mr. Gewin, the motion of Mr. Miller to reconsider the vote by which the bill, H. 15, was lost was laid upon the table.

H. 11. A Bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth,

viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega".

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment of the Constitution of Alabama? "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Etowah, DeKalk, Cherokee, Morgan, Talladega.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast there at shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State

and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Was taken up. Mr. Allen offered the following amendment to the bill, H. 11:

Amend H. B. 11 by striking therefrom the words "Talladega" and "Talladega County" from the caption and body wherever any of said words appear in said Bill.

And the amendment offered by Mr. Allen to the bill, H. 11, was adopted.

Yeas, 69; Nays, 2.

Nays:

Mr. Speaker	Delony	Langley	Quarles
Allen	Devers	Locke	Robinson (Lowndes)
Austin	Dobbs	Lovelace	Robinson (St. Clair)
Ball	Dcster	Mathews (Clarke)	Scott
Barchard	Dominick	Matthews (Jackson)	Sightler
Beck	Ellis	McDanal	Smyer
Booth	Garrett	Megginson	Stone
Brown (Lee)	Gewin	McCord	Taylor
Carwile	Golson	McDanall	Thomas
Castleberry	Graham	McGowin	Tidmore
Chewning	Graves	Nation	Toomer
Christopher	Harwick	Neighbors	Waldrop
Cobb	Haynes	Newman	Weich
Collier	Hill	Owens	Weston
Cook	Hodo	Payne	Wood
Cope	Kaul	Peacock	Wright
Davis (Madison)	Langan	Phillips	Young
Davis (Montgomery)			

—69

Nays: Messrs. Flowers, Wallace

— 2

Mr. Matthews of Jackson offered the following amendment to the bill, H. 11:

Amendment to House Bill No. 11, by Mr. Matthews (Jackson):

Amend the caption and body of said Bill by adding next after the word "Morgan" wherever the same appears in said caption and body the words "Jackson, Lauderdale, Lee, Marshall, Lawrence, Limestone, St. Clair, Shelby, Tallapoosa".

And the amendment offered by Mr. Matthews of Jackson to the bill, H. 11, was adopted.

Yeas, 70; Nays, 0.

Yeas:

Mr. Speaker	Devers	Locke	Robinson (St. Clair)
Allen	Dobbs	Lovelace	Sadler
Ball	Dominick	Martin	Segrest
Barnes	Ellis	Matthews (Jackson)	Smyer
Beck	Flowers	Mayhall	Stallings
Brown (Lee)	Garrett	Megginson	Stone
Carwile	Gewin	McCord	Taylor
Castleberry	Golson	McGowin	Thomas
Chewning	Graham	Nation	Tidmore
Christopher	Graves	Neighbors	Toomer
Clayton	Gwin	Newman	Tucker
Cobb	Hall	Norman (Bullock)	Waldrop
Collier	Hardwick	Norman (Lowndes)	Welch
Cook	Hill	Payne	Weston
Cope	Jones	Peacock	Wood
Davis (Madison)	Kaul	Quarles	Wright
Davis (Montgomery)	Langan	Robinson (Lowndes)	Young
Delony	Langley		

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Mr. McDanal offered the following amendment to the bill, H. 11:

Amendment to H. 11, by Mr. McDanal:

Amend caption and body of House Bill No. 11 by adding next after the word "Tallapoosa" where the same occurs therein the word "Walker".

And the amendment offered by Mr. McDanal to the bill, H. 11, was adopted.

Yeas, 60; Nays, 3.

Yeas:

Mr. Speaker	Ellis	Matthews (Jackson)	Sherrer
Allen	Flowers	McDanal	Sightler
Austin	Garrett	McGowin	Smyer
Bagley	Gewin	Neighbors	Snyder
Ball	Graves	Newman	Spence
Barnes	Hall	Norman (Bullock)	Taylor
Beck	Hare	Norman (Lowndes)	Thomas
Booth	Haynes	Payne	Tidmore
Clayton	Hodo	Peacock	Toomer
Cobb	Kaul	Petrey	Walden
Cope	Langan	Quarles	Waldrop
Davis (Madison)	Langley	Robinson (Lowndes)	Welch
Davis (Montgomery)	Locke	Sadler	Weston
Devers	Martin	Sanderson	Wood
Dobbs	Mathews (Clarke)	Sessions	Young

—60

Nays: Messrs. Golson, Jones, Scott

— 3

And said bill, H. 11:

H. 11. A Bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months, after the final

adjournment of the present special session of the 1939 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Talladega".

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment of the Constitution of Alabama? "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Reg-

isters of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Etowah, DeKalk, Cherokee, Morgan, Talladega.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast there at shall be canvassed, tabulated, and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

As amended, was read a third time at length and passed.

Yeas, 87; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovelace	Sanderson
Allen	Dominick	Martin	Segrest
Austin	Ellis	Mathews (Clarke)	Sessions
Bagley	Flowers	Matthews (Jackson)	Sherrer
Ball	Garrett	Mayhall	Sightler
Barchard	Gewin	Megginson	Smyer
Barnes	Golson	McCord	Snyder
Beck	Graham	McDanal	Spence
Booth	Graves	McGowin	Stallings
Brown (Lee)	Green	Nation	Taylor
Carwile	Hall	Neighbors	Thomas
Castleberry	Hardwick	Newman	Tidmore
Chewning	Hare	Norman (Bullock)	Toomer
Christopher	Haynes	Norman (Lowndes)	Tucker
Clayton	Henson	Payne	Walden
Cobb	Hodo	Peacock	Waldrop
Collier	Jenkins	Petrey	Welch
Cook	Jones	Pool	Weston
Cope	Kaul	Quarles	Wood
Davis (Madison)	Langan	Robinson (Lowndes)	Wright
Delony	Langley	Robinson (St. Clair)	Young
Devers	Locke	Sadler	

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H. 13. A bill to be entitled an act to propose an amendment to Section 8 of the Constitution of Alabama and to order an elec-

tion by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other Court of competent jurisdiction as may be by law established."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and

oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other court of competent jurisdiction as may be by law established.'

“(Yes.....)”

“(No)”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Hardwick offered the following amendment to the bill, H. 13:

Amendment to House Bill No. 13, by Mr. Hardwick:

Amend H. 13 By striking from Sections 1 and 3 thereof the following sentence where it appears in each of said sections: “Provided further that in all felony cases, except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Court or such other court of competent jurisdiction as may be by law established.”; and substituting in lieu thereof in each of said sections the following:

“Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be

appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty. Provided, however the defendant can not enter a plea of guilty within fifteen days after his arrest."

And the amendment offered by Mr. Hardwick to the bill, H. 13, was adopted.

Yeas, 78, Nays, 0.

Yeas:

Mr. Speaker	Davis (Montgomery)	Kaul	Robinson (Lowndes)
Austin	Dearman	Langan	Sadler
Bagley	Delony	Langley	Sanderson
Ball	Dobbs	Locke	Sherrer
Barchard	Doster	Lovelace	Spence
Barnes	Dominick	Martin	Stallings
Beck	Flowers	Mathews (Clarke)	Stone
Booth	Garrett	Mayhall	Taylor
Boswell	Gewin	Meggins	Thomas
Branyon	Golson	Miller	Tidmore
Brown (Lee)	Graham	McCord	Toomer
Carwile	Graves	McGowin	Tucker
Castleberry	Green	Nation	Waldrop
Chewning	Gwin	Neighbors	Welch
Christopher	Hardwick	Newman	Weston
Clayton	Haynes	Norman (Bullock)	White
Collier	Henson	Peacock	Wood
Cook	Hill	Petrey	Wright
Cope	Hodo	Quarles	Young
Davis (Madison)	Jenkins		

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And said bill:

H. 13. A bill to be entitled an act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual

service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other Court of competent jurisdiction as may be by law established."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases except those punishable by capital punishment, where the defendant interposes a plea of guilty on preliminary trial, the Legislature may by law dispense with a grand jury and authorize such prosecution and proceedings as may be provided by law before the Circuit Courts or such other court of competent jurisdiction as may be by law established."

"(Yes.....)

(No)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the amendment offered by Mr. Hardwick, was read a third time at length and passed.

Yeas, 89; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Locke	Robinson (St. Clair)
Allen	Dominick	Lovelace	Sadler
Austin	Ellis	Martin	Sanderson
Bagley	Flowers	Mathews (Clarke)	Segrest
Barchard	Garrett	Matthews (Jackson)	Sessions
Barnes	Gewin	Mayhall	Sightler
Beck	Golson	Megginson	Smyer
Booth	Graham	Miller	Snyder
Boswell	Green	McCord	Spence
Brown (Lee)	Gwin	McGowin	Stallings
Carwile	Hall	Nation	Stone
Castleberry	Hardwick	Neighbors	Taylor
Chewning	Hare	Newman	Thomas
Clayton	Haynes	Norman (Bullock)	Tidmore
Cobb	Henson	Norman (Lowndes)	Toomer
Collier	Hill	Owens	Tucker
Cook	Hodo	Payne	Waldrop
Cope	Jenkins	Peacock	Welch
Davis (Madison)	Jones	Petrey	Weston
Davis (Montgomery)	Kaul	Phillips	Wood
Dearman	Langan	Quarles	Wright
Delony	Langley	Robinson (Lowndes)	Young
Devers			

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H. 21. A bill to be entitled an act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an

election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one news paper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same,

such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 93; Nays, 1.

Yeas:

Mr. Speaker	Delony	Lovelace	Scott
Allen	Devers	Martin	Segrest
Austin	Dobbs	Mathews (Clarke)	Sessions
Bagley	Dominick	Matthews (Jackson)	Sherrer
Ball	Flowers	Mayhall	Sightler
Barchard	Garrett	Megginsin	Smyer
Barnes	Gewin	Miller	Snyder
Beck	Golson	McCord	Spence
Booth	Graham	McDanal	Stallings
Boswell	Green	McGowin	Stone
Branyon	Gwin	Nation	Taylor
Brown (Lee)	Hardwick	Neighbors	Thomas
Carwile	Hare	Newman	Tidmore
Castleberry	Haynes	Norman (Bullock)	Toomer
Chewning	Henson	Norman (Lowndes)	Tucker
Christopher	Hill	Owens	Waldrop
Clayton	Hodo	Payne	Wallace
Cobb	Jenkins	Petrey	Welch
Collier	Jones	Phillips	Weston
Cook	Kaul	Quarles	Whigham
Cope	Langan	Robinson (Lowndes)	Wood
Davis (Madison)	Langley	Sadler	Wright
Davis (Montgomery)	Locke	Sanderson	Young
Dearman			

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Nay: Mr. Peacock

— 1

On motion of Mr. Jones, the bill, H. 21, was ordered sent forthwith to the Senate without engrossment.

H. 22. A bill to be entitled an act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the

Legislature. The proposed amendment is as follows: "The Legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the First Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

Section 2. Notice of the Election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"The legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election returns of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

"(Yes.....)

"(No)."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Davis of Madison offered the following amendment to the bill, H. 22:

Amendment to H. 22 by Mr. Davis of Madison.

Amend H. Bill No. 22, by striking therefrom Section 1 as it appears therein and inserting in lieu thereof the following:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Represent-

atives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942."

Also:

Amend H. 22 by striking therefrom Section 3 as it appears therein and inserting in lieu thereof the following:

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama:

"All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such

officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942."

"(Yes_____)

"(No_____)"

And the amendment offered by Mr. Davis of Madison to the bill, H. 22, was adopted.

Yeas, 90; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Martin	Segrest
Allen	Delony	Matthews (Jackson)	Sessions
Austin	Devers	Mayhall	Sherrer
Bagley	Dominick	Megginson	Sightler
Ball	Ellis	Miller	Smyer
Barchard	Flowers	McCord	Snyder
Barnes	Garrett	McDanal	Stallings
Beck	Gewin	McGowin	Stone
Booth	Golson	Nation	Taylor
Boswell	Graham	Neighbors	Thomas
Branyon	Green	Newman	Tidmore
Brown (Lee)	Gwin	Norman (Bullock)	Toomer
Carwile	Hall	Owens	Tucker
Castleberry	Hardwick	Payne	Waldrop
Chewning	Hare	Peacock	Wallace
Christopher	Haynes	Petrey	Welch
Clayton	Hill	Phillips	Weston
Cobb	Jones	Pool	Whigham
Collier	Kaul	Quarles	White
Cook	Langan	Robinson (St. Clair)	Wood
Cope	Langley	Sadler	Wright
Davis (Madison)	Locke	Scott	Young
Davis (Montgomery)	Lovelace		

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Mr. Mayhall offered the following amendment to the bill, H. 22:

Amendment to H. 22, By Mr. Mayhall:

To amend House Bill 22:

To strike out of said bill wherever it appears therein, \$10.00 for each day and add in lieu thereof \$6.00 for each day.

On motion of Mr. Robinson of St. Clair, the amendment offered by Mr. Mayhall to the bill, H. 22, was tabled.

And said bill:

H. 22. A bill to be entitled an act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon

the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "The Legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the First Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by

the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment."

Section 2. Notice of the Election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"The legislature shall convene at the Capitol in the Senate Chamber and in the Hall of the House of Representatives on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election returns of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular session on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor.

No such regular session shall continue for longer than sixty consecutive calendar days. No special session of the Legislature shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session by this amendment. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.'

"(Yes.....)

"(No.....)."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the amendment offered by Mr. Davis of Madison, was read a third time at length and passed.

Yeas, 89; Nays, 3.

Yeas:

Mr. Speaker	Christopher	Graham	Martin
Allen	Collier	Gwin	Matthews (Jackson)
Austin	Cook	Hall	Mayhall
Bagley	Cope	Hardwick	Megginson
Ball	Davis (Madison)	Hare	Miller
Barchard	Davis (Montgomery)	Haynes	McCord
Barnes	Dearman	Henson	McDanal
Beck	Devers	Hill	McGowin
Booth	Dobbs	Hodo	Nation
Boswell	Dominick	Jones	Neighbors
Branyon	Ellis	Kaul	Newman
Brown (Lee)	Flowers	Langan	Norman (Bullock)
Carwile	Garrett	Langley	Owens
Castleberry	Gewin	Locke	Payne
Chewning	Golson	Lovelace	Petrey

Phillips	Sessions	Taylor	Welch
Pool	Sherrer	Thomas	Weston
Quarles	Sightler	Tidmore	Whigham
Robinson (St. Clair)	Smyer	Toomer	White
Sadler	Snyder	Tucker	Wood
Sanderson	Stallings	Waldrop	Wright
Scott	Stone	Wallace	Young
Segrest			

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Nays: Messrs. Cobb, Mathews of Clarke, Peacock . — 3

H. 23. A Bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the de-

mand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of

State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Stone offered the following amendment to the bill, H. 23:

Amendment to H. 23, by Mr. Stone.

Amend H. 23, by adding immediately after the words "at all elections" and immediately before the words "in any county" where the same appear together in Sections 1 and 3 thereof the following: ", including primary elections,".

And the amendment offered by Mr. Stone to the bill, H. 23, was adopted.

Yeas, 79; Nays, 0.

Yeas:

Mr. Speaker	Davis (Montgomery)	Langan	Sadler
Allen	Dearman	Langley	Sanderson
Austin	Delony	Martin	Scott
Bagley	Devers	Matthews (Jackson)	Segrest
Ball	Dobbs	Mayhall	Sherrer
Barchard	Dominick	Megginsin	Smyer
Barnes	Ellis	Miller	Stone
Beck	Flowers	McCord	Taylor
Booth	Gewin	McDanal	Thomas
Boswell	Golson	McGowin	Tidmore
Branyon	Graham	Neighbors	Toomer
Brown (Lee)	Green	Newman	Tucker
Carwile	Gwin	Norman (Bullock)	Wallace
Castleberry	Hall	Owens	Welch
Clayton	Hardwick	Payne	Weston
Cobb	Haynes	Peacock	Whigham
Collier	Hill	Petrey	White
Cook	Hodo	Phillips	Wright
Cope	Jones	Quarles	Young
Davis (Madison)	Kaul	Robinson (St. Clair)	

—79

And said bill:

H. 23. A Bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the

Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, re-

cording and computing the votes at all elections in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.'

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the amendment offered by Mr. Stone, was read a third time at length and passed.

Yeas, 84; Nays, 0.

Yeas:

Mr. Speaker	Boswell	Collier	Ellis
Allen	Branyon	Cook	Flowers
Austin	Brown (Lee)	Cope	Garrett
Bagley	Carwile	Davis (Madison)	Gewin
Ball	Castleberry	Dearman	Golson
Barchard	Chewning	Delony	Graham
Barnes	Christopher	Devers	Green
Beck	Clayton	Dobbs	Gwin
Booth	Cobb	Dominick	Hall

Hardwick	Miller	Quarles	Tidmore
Haynes	McCord	Sadler	Toomer
Hill	McDanal	Sanderson	Tucker
Hodo	McGowin	Scott	Waldrop
Kaul	Neighbors	Segrest	Wallace
Langan	Newman	Sessions	Welch
Langley	Norman (Bullock)	Sherrer	Weston
Locke	Owens	Sightler	Whigham
Martin	Payne	Stallings	White
Matthews (Jackson)	Peacock	Stone	Wood
Mayhall	Petrey	Taylor	Wright
Meggins	Phillips	Thomas	Young

—84

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

The Speaker of the House announced the appointment of Mr. Castleberry as a member of the following Standing Committees of the House:

Standing Committee on Constitution and Constitutional Amendments;

Standing Committee on County and County Boundaries;

Standing Committee on Public Health;

Standing Committee on Public Printing;

Standing Committee on County Organizations.

CERTIFICATE OF CLERK

To The House Of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named, and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P.M., on March 21, 1939:

H. J. R. 5.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. Mayhall the House adjourned until Wednesday, March 22nd, 1939, at 10 o'clock, A.M.

FOURTH DAY

House of Representatives,
Montgomery, Alabama,
Wednesday, March 22nd, 1939.

The House met pursuant to adjournment.

PRAYER

The Session was opened with prayer by Mr. Earl C. Bassett of Mobile, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Delony	Locke	Sanderson
Allen	Devers	Lovelace	Scott
Austin	Dobbs	Martin	Segrest
Bagley	Doster	Mathews (Clarke)	Sessions
Ball	Dominick	Mathews (Jackson)	Sherrer
Barchard	Ellis	Mayhall	Sightler
Barnes	Flowers	Megginsin	Smyer
Beck	Garrett	Miller	Snyder
Booth	Gewin	McCord	Spence
Boswell	Golson	McDanal	Stallings
Branyon	Graham	Nation	Stone
Brown (Covington)	Green	Neighbors	Taylor
Brown (Lee)	Gwin	Newman	Thomas
Carwile	Hall	Norman (Lowndes)	Tidmore
Castleberry	Hardwick	Owens	Tucker
Chewning	Hare	Payne	Walden
Christopher	Haynes	Peacock	Waldrop
Clayton	Henson	Petrey	Wallace
Cobb	Hill	Phillips	Welch
Collier	Hodo	Pitts	Weston
Cook	Jenkins	Pool	Whigham
Cope	Jones	Quarles	White
Davis (Madison)	Kaul	Robinson (Lowndes)	Wood
Davis (Montgomery)	Langan	Robinson (St. Clair)	Wright
Dearman	Langley	Sadler	Young

—100

A quorum was present.

LEAVE OF ABSENCE

was granted to Messrs. Graves, McGowin, Robertson and Toomer for today.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the third legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the third legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted, and the Journal of the House for the third legislative day was approved.

REPORT OF STANDING COMMITTEE OF ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills, and finds same correctly engrossed, to-wit:

H. 11. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Jackson, Lauderdale, Lee, Marshall, Lawrence, Limestone, St. Clair, Shelby, Tallapoosa, Walker.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, com-

missions, allowances and salaries, including the methods or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Jackson, Lauderdale, Lee, Marshall, Lawrence, Limestone, St. Clair, Shelby, Tallapoosa, Walker."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the first Tuesday after the expiration of three months, after the final adjournment of the present special session of the 1939 Legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment of the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the Treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in each of the following named counties: Etowah, DeKalb, Cherokee, Morgan, Jackson, Lauderdale, Lee, Marshal, Lawrence, Limestone, St. Clair, Shelby, Tallapoosa, Walker.' Yes..... No....." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in

the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 13. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty. Provided, however the defendant can not enter a plea of guilty within fifteen days after his arrest.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once

a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty. Provided, however the defendant can not enter a plea of guilty within fifteen days after his arrest.

"(Yes_____)

(No_____)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

H. 22. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama relating to the time of convention

of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of the tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president *pro tempore* thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Rep-

representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of member of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members the Legislature elected at the General Election in 1942.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama: "'All sessions of the Legislature shall be held at the Capitol in the Senate Cham-

ber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The Legislature may by joint resolution recess from time to

time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The Provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942."

"(Yes.....)

"(No.....)".

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

H. 23. A Bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the

Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, re-

cording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.'

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Langley (with notice and proof):

H. 46. To allow the Sheriff of Tallapoosa County, Alabama,

two additional Deputy Sheriff's to that now provided by law; to fix the salaries of said Deputies and to make the same payable out of the General Funds of Tallapoosa County in Monthly Installments.

Local Legislation No. 1.

Notice and proof H. 46.

A BILL
TO BE ENTITLED
AN ACT

To allow the Sheriff of Tallapoosa County, Alabama, two additional Deputy Sheriff's to that now provided by law; to fix the salaries of said Deputies and to make the same payable out of the General Funds of Tallapoosa County in Monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the sheriff of Tallapoosa County is hereby allowed two additional deputies to the deputy or deputies now provided by law, which said deputies shall each receive a salary of SIX HUNDRED DOLLARS per annum to be paid in twelve equal monthly installments out of the general funds of said county; that one each of said deputies shall be stationed at Camp Hill, in Beat 15, and at Daviston, in Beat 17, and shall be eligible to perform the duties of deputy sheriff's anywhere in said County.

Section 2. That on the first of each month a statement of the names and the amount due said deputy sheriff's shall be furnished the Board of County Commissioners by the sheriff and it shall thereupon be the duty of the Board of County Commissioners or other governing bodies to order warrants drawn on the general funds of the county payable to said deputy sheriff's for the amount of one month's salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflicts with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

This February 23, 1939.

4t—3:16n

L. T. LANGLEY.

The State of Alabama,
Tallapoosa County.

Personally appeared before me, Leon M. Willis a Notary Public in and for said County and State, J. H. Rodgers, who, being by me first sworn, deposes and says that he is Editor and Business Manager of the Tallapoosa News, a newspaper published at Camp Hill, in said County and State, and that the notice, a true copy of which is hereto attached, was published in said paper for four consecutive weeks, commencing on the 23rd day of February, 1939.

Given under my hand this 20th day of March, 1939.

J. H. RODGERS,
Editor and Business Manager

Subscribed and sworn to before me this the 20th day of March, 1939.

LEON M. WILLIS,
Notary Public
Tallapoosa County, Alabama.

BILLS ON SECOND READING

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 8. To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

H. 33. To fix the salary of the Chief Deputy, appointed by and under the authority conferred on Sheriffs by Sect. 10188 of the Code of Alabama 1923, in all counties in this State which may hereafter have a population of 50,000 people and less than 60,000 people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same:

Mr. Welch, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 30. (With amendment). To authorize county and city boards of education school warrants as legal investments of trust funds.

Mr. Deloney, Chairman of the Standing Committee on Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 42. To make an appropriation of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

H. 44. To provide an appropriation for the construction and repair of buildings and for equipment of the Partlow State School for Mental Deficients and to provide when same shall be paid.

Mr. Hall, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 38. To create and establish a Board of Revenue for Jackson County in the place of the present Commissioners' Court now existing in said County, to consist of a Chairman and four mem-

bers; to provide for the time and manner of the election of the Chairman of said Board by the qualified electors of the County at large; to provide for the time and manner of the election of one member of said Board from and by the qualified electors of each of the four Board of Revenue Districts of said County; to provide for the powers, duties and compensation of the Chairman of the Board of Revenue and for the powers, duties, and compensation of the said Board and of the several members thereof; to provide for the procedure for audit and allowance of claims against the County by the said Board; to provide for the manner in which said Board may bind the County by contract and to provide for the publishing in some newspaper published in Jackson County, Alabama, the minutes of said Board of Revenue in the next issue of said newspaper next succeeding the adoption of the same.

H. 45. To require the Walker County Board of Education to assume and pay the fifty five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama under date of September 1, 1937, which bonds were issued under Ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Mr. Hodo, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

The above and foregoing bills were severally read a second time and placed on the Calendar.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 28. A bill to be entitled an act to provide for and submit to the qualified electors of the State of Alabama at an election to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this Amendment is proposed. An Amendment to the Constitution of Alabama whereby the following school districts: Attalla and Montevallo, as now or hereafter constituted, in the State of Alabama may levy and collect a Special District

Tax not exceeding thirty cents (\$0.30) on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Section 2 of Article XIX of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such school district and voted for by a majority of those voting at such election.

Be it enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this Amendment is proposed, to wit; at the following school districts as defined in Section 2 of Article XIX of the Constitution; Attalla and Montevallo, as now or hereafter constituted in the State of Alabama shall have the power and the right to levy and collect a Special District Tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of such school district and voted for by a majority of those voting in such election. Upon the request of the City Board of Education or such governing Board of Education as is exercising the duties of the City Board of Education of the Cities of Attalla and Montevallo respectively to the Court of County Commissioners or other governing body of the County in which said City is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said Special Tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and results declared as provided in Article XIII of the School Code of 1923, or other method provided by general law for holding elections for levying school district taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put same in force.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State at least four consecutive weeks next preceding the said election on the Amendment proposed by this Act to be

submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. That at the said election on the Amendment proposed by this Act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said Amendment and on the official ballots printed for such election there shall be printed the following: viz., "Shall the following be adopted as an Amendment to the Constitution of Alabama; The following school districts as defined in Section 2, Article XIX of the Constitution; Attalla and Montevallo as now or hereafter constituted in the State of Alabama shall have the power and right to levy and collect annually a Special District Tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district, in addition to that now authorized or that may hereafter be authorized, for public school purposes; and in addition to that now authorized under Section 2 of Article XIX of the Constitution and Section 260, Article XIV of the Constitution, provided that the rate of such tax, the period it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of such School District and voted for by a majority of those voting in such election. Upon the request of the City Board of Education or such Governing Board of Education as is exercising the duties of the City Board of Education of the Cities of Attalla and Montevallo, respectively, to the Court of County Commissioners or other governing body of the County in which said City is located, said Court shall order an election to be held at the time requested by said Board of Education to determine whether or not said Special Tax shall be levied for public school purposes within said School Districts; said election to be held and returns made and result declared as provided in Article XIII of the School Code of 1927, or other method provided by general law for holding elections for levying School District Taxes. This Amendment shall be self executing and no Act of the Legislature shall be required to put the same in force. ____ Yes. ____ No."

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed, and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the

Legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

The above and foregoing bill, H. 28, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

H. 34. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to amend Sections 197 and 198 and to repeal Sections 50, 199, 200, 201, 202 and 203 thereof, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama to amend Sections 197 and 198 and to repeal Sections 50, 199, 200, 201, 202 and 203 thereof is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

"Section 197. After the expiration of the term of the members of the present Legislature, the Senate shall consist of one Senator from each County.

"Section 198. After the expiration of the term of the members of the present Legislature, the House of Representatives shall consist of one member each from the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington and Winston; two members each from the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Cullman, DeKalb, Elmore, Hale, Henry, Houston, Jackson, Lauderdale, Lee, Lowndes, Marengo, Marshall, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Walker and Wilcox; three members each from the counties of Dallas, Etowah, Madison and Tuscaloosa; four members from the county of Montgomery; five members from the county of Mobile; fourteen members from the county

of Jefferson; and one member from each new county created after the adoption of this amendment. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, each county shall be entitled, in addition to the number of members herein specified, to one additional member for each thirty-five thousand inhabitants over and above the number of inhabitants in such county according to the preceding decennial census. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, it shall be mandatory for the Governor, using the provisions of this amendment as a basis, to determine the county or counties, if any, that are entitled to additional members and the number of additional members to which each such county or counties is entitled, and he shall by proclamation declare the name or names of such county or counties, and the number of additional members to which such county or counties is entitled.

"Sections 50, 199, 200, 201, 202 and 203 of the Constitution of Alabama are hereby expressly repealed."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the state once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"Section 197. After the expiration of the term of the members of the present Legislature, the Senate shall consist of one Senator from each county.

"Section 198. After the expiration of the term of the members of the present Legislature, the House of Representatives shall consist of one member each from the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington and Winston; two members each from the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Cullman, DeKalb, Elmore, Hale, Henry, Houston, Jackson, Lauderdale, Lee, Lowndes, Marengo, Marshall, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Walker and Wilcox; three members each from the counties of Dallas, Etowah, Madison and Tuscaloosa; four members from the county of Montgomery; five members from the county of Mobile; fourteen members from the county

of Jefferson; and one member from each new county created after the adoption of this amendment. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, each county shall be entitled, in addition to the number of members herein specified, to one additional member for each thirty-five thousand inhabitants over and above the number of inhabitants in such county according to the preceding decennial census. After the publication of the decennial census taken in 1950, and after each subsequent decennial census, it shall be mandatory for the Governor, using the provisions of this amendment as a basis, to determine the county or counties, if any, that are entitled to additional members and the number of additional members to which each such county or counties is entitled, and he shall by proclamation declare the name or names of such county or counties, and the number of additional members to which such county or counties is entitled.

“Sections 50, 199, 200, 201, 202 and 203 of the Constitution of Alabama are hereby expressly repealed.”

“(Yes)

(No.....)”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing Bill, H. 34, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

H. 35. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama to provide for the cancellation of all primary, general or special elections for nomination or election of state, county or municipal officers when there is no opposition, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Any primary, general or special election scheduled to be held in this state for the nomination or election of state, county or municipal officers shall automatically be cancelled when only one candidate has offered, or been offered, for each office as may be at stake, upon expiration of such time limit as may be fixed by statute, or otherwise, for filing of candidacies. The unopposed candidate or candidates thereupon shall be declared duly and legally nominated or elected to the office sought and a certificate of nomination or election issued to him or them by the proper authority. Provided this article shall not be applicable when any constitutional amendment or other proposal for acceptance or rejection by the people has previously been submitted for a decision at said election."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four consecutive weeks next preceeding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"Any primary, general or special election scheduled to be held in this state for the nomination or election of state, county or municipal officers shall automatically be cancelled when only one candidate has offered, or been offered, for each office as may be at stake, upon expiration of such time limit as may be fixed by statute, or otherwise, for filing of candidacies. The unopposed candidate or candidates thereupon shall be declared duly and legally nominated or elected to the office sought and a certificate of nomination or election issued to him or them by the proper authority. Provided this article shall not be applicable when any constitutional amendment or other proposal for acceptance or rejection by the people has previously been submitted for a decision at said election."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing Bill, H. 35, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

H. No. 41. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows:

Article No person who honorably served in the military or naval service of the United States between April 21, 1896 and July 4, 1902, nor the wife nor widow of any such person, nor the wife nor the widow of any person who honorably served in the military or naval service of the United States between January 1, 1917 and November 11, 1918 shall be required to pay the poll tax mentioned in the Constitution of Alabama. Such persons shall be exempt from the payment of all poll tax which have accrued or may hereafter accrue. This section shall be self-executing and retroactive. The Judge of Probate shall issue certificates of exemption from payment of such poll tax to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper

in every county of the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as amendment to Section 194 of the Constitution of Alabama?"

Article _____. No person who honorably served in the military or naval service of the United States between April 21, 1896 and July 4, 1902, nor the wife nor widow of any such person, nor the wife nor the widow of any person who honorably served in the military or naval service of the United States between January 1, 1917 and November 11, 1918 shall be required to pay the poll tax mentioned in the Constitution of Alabama. Such persons shall be exempt from the payment of all poll tax which have accrued or may hereafter accrue. This section shall be self-executing and retroactive. The Judge of Probate shall issue certificates of exemption from payment of such poll tax to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

"() Yes

"() No."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, H. 41, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Poole:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

By Mr. Hildreth:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by

the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

"(Yes.....)

(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the

Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary,

SENATE MESSAGE

The Senate bills, set out at length in the above and foregoing Message from the Senate, were severally read one time at length and referred to an appropriate standing committee, as follows:

Constitution and Constitutional Amendments, S. 4; S. 9.

BILLS ON THIRD READING

H. 25. An Act to propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the Legislature to levy an income tax for the calendar year 1933, and for each year thereafter; to prescribe the maximum rate of said income tax; to provide minimum exemptions; to provide that income shall not be considered property for tax purposes and to provide that the Legislature and/or the several counties and municipalities of the State shall reduce the County ad valorem taxes on homesteads, authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is on the first Tuesday after three months from the final adjournment of this Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes provided that the rate shall not exceed 5 per cent nor 3 per cent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than Fifteen Hundred Dollars (\$1500.00) shall be al-

lowed to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependant member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama, shall reduce the County Ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal Ad Valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901, from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County, and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on October 1st, 1932, are paid and thereafter used exclusively for the reduction of County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901 and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of 1901.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXIII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid from the State, County, Municipality, and any agency or creature thereof, for the calendar year 1933, and thereafter, and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed ten per cent (10%). Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than fifteen hundred dollars (\$1500.00) shall be allowed

to unmarried persons and an exemption of not less than Three Thousand Dollars (\$3000.00) shall be allowed to be the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than Three Hundred Dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The Legislature and/or the several counties and municipalities of the State of Alabama shall reduce the County ad valorem taxes on homesteads authorized to be levied by Section 215 of the Constitution of Alabama of 1901, and municipal ad valorem taxes on homesteads authorized to be levied by Section 216 of the Constitution of Alabama of 1901, from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes.....) (No.....).

Section 4. The officers to hold the said election shall be appointed and shall hold the election as provided by law for general elections held in the State of Alabama.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Ellis offered the following amendment to the bill, H. 25.

Amendment to House Bill No. 25, by Mr. Ellis.

Amend section 2 of House Bill No. 25 by striking therefrom the word "eight" and by inserting in lieu thereof the word "four"

Also amend the title of House Bill No. 25 by striking out the words and figures "Article XXIII", and by inserting in lieu thereof the words and figures "Article XXII".

Also amend Section 1 of House Bill No. 25 by striking out the words and figures "Article XXIII", and by inserting in lieu thereof the words and figures "Article XXII".

And the amendment offered by Mr. Ellis to the bill, H. 25, was adopted.

Yeas, 54; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Langley	Robinson (St. Clair)
Allen	Dominick	Locke	Segrest
Austin	Ellis	Lovelace	Sessions
Ball	Golson	Miller	Sightler
Booth	Graham	McCord	Smyer
Brown (Lee)	Green	Nation	Stallings
Carwile	Gwin	Newman	Stone
Castleberry	Hall	Owens	Thomas
Collier	Henson	Payne	Waldrop
Cook	Hill	Peacock	Welch
Cope	Hodo	Petrey	Wood
Davis (Madison)	Jones	Pool	Wright
Dearman	Kaul	Robinson (Lowndes)	Young
Delony	Langan		

—54

On motion of Mr. Haynes the bill, H. 25, as amended by the amendment offered by Mr. Ellis was indefinitely postponed.

Yeas, 50; Nays, 42.

Yeas:

Mr. Speaker	Davis (Montgomery)	Jenkins	Sanderson
Allen	Dearman	Jones	Segrest
Austin	Devers	Kaul	Sherrer
Barnes	Doster	Langan	Spence
Beck	Dominick	Lovelace	Stone
Booth	Flowers	Martin	Taylor
Branyon	Garrett	Nation	Tidmore
Brown (Covington)	Gewin	Payne	Walden
Brown (Lee)	Green	Pool	Wallace
Carwile	Gwin	Quarles	Welch
Castleberry	Hardwick	Robinson (Lowndes)	Wood
Cope	Hare	Robinson (St. Clair)	Wright
Davis (Madison)	Haynes		

—50

Nays:

Bagley	Ellis	Mayhall	Sadler
Ball	Golson	Miller	Sessions
Barchard	Graham	McCord	Sightler
Boswell	Hall	McDanal	Smyer
Chewning	Henson	Neighbors	Stallings
Christopher	Hill	Newman	Thomas
Cobb	Hodo	Owens	Waldrop
Collier	Langley	Peacock	Weston
Cook	Locke	Petrey	White
Delony	Mathews (Clarke)	Pitts	Young
Dobbs	Matthews (Jackson)		

—42

H. No. 10. A Bill to be entitled An Act to propose an amendment to the Constitution of Alabama creating a Board of Apportionment and defining the duties thereof relating to apportioning the membership of the Senate and of the House of Representatives in the

event of the failure of the Legislature to apportion said membership as provided by law, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate, and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Representatives and the Senate, in accordance with the provisions hereof;

(1) The membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State, respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportionment made either by action of the Legislature or by the Board of Apportionment.

(2) The Board of Apportionment shall divide the state into

as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment.

(3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be instituted in the Supreme Court within such period, as hereinafter authorized.

"Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the Clerk thereof, forthwith transmitted to the Sec-

retary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

"At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?"

"A Board, to be known as the Board of Apportionment, consisting of the Governor, who shall be Chairman, the Secretary of State, and the Attorney General, is hereby created.

"In the event that, at any time or from any cause, the Legislature shall fail or refuse at its first regular session after the publication of the decennial census of the United States in the year 1940, or at its first regular session after the publication of any subsequent decennial census of the United States, to fix by law the membership of the House of Representatives and apportion the same among the several counties of the State, as required by this Constitution, and to fix by law the membership of the Senate, and to apportion the same among as many senatorial districts as there are senators, as required by this Constitution, it shall be the imperative duty of the Board of Apportionment to make an apportionment of the membership of the House of Representatives and the Senate, in accordance with the provisions hereof: (1) The membership of the House of Representatives, in number as then provided by law, shall be apportioned by the Board of Apportionment among the several counties of the State, respectively, equally, as nearly as may be, according to the number of inhabitants in them, as ascertained by the last decennial census of the United States, provided, that each county shall be entitled to at least one Representative, which apportionment, when made, shall not be subject to alteration, either by the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be entitled to one Representative until the next apportion-

ment made either by action of the Legislature or by the Board of Apportionment. (2) The Board of Apportionment shall divide the State into as many senatorial districts as there are Senators, in number as then provided by law, which districts shall be as nearly equal to each other in the number of inhabitants as may be, ascertained by the last decennial census of the United States, and each shall be entitled to one Senator and no more, provided, that no county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous, which apportionment, when made, shall not be subject to alteration, either by action of the Legislature or by the Board of Apportionment, until the first session of the Legislature after the next decennial census of the United States shall have been published, provided, that counties created after an apportionment shall be attached to senatorial districts either by action of the Legislature, or in the event of its failure to act, by the Board of Apportionment. (3) It shall be the duty of the Board of Apportionment to meet at the office of the Governor, upon call of the Governor, within ninety (90) days from the adjournment of the session of the Legislature upon which the duty of making apportionment devolved, as required by Article IX of this Constitution, and to there perform forthwith the duties herein imposed upon it. The action of a majority of the Board shall be deemed the action of said Board. (4) Immediately after having made an apportionment as herein required, the Board of Apportionment shall file a written report of its apportionment with the Secretary of State, setting forth the number of Representatives apportioned to each county and the counties comprising each senatorial district, whereupon the Governor, as Chairman of said Board of Apportionment, shall immediately make proclamation thereof, by publishing said report of the Board of Apportionment; whereupon, after ninety (90) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision thereof shall be instituted in the Supreme Court within such period, as hereinafter authorized.

“Original jurisdiction is hereby vested in the Supreme Court of the State (1) to compel, by mandamus or otherwise, to be exercised on application of any citizen and taxpayer, in the name of the State, without the necessity of obtaining the consent of any of the officers or officials of the State, the Board of Apportionment to perform its duties as herein directed, and (2) to review and revise any arbitrary action of, or abuse of discretion by, the Board of Apportionment in making any apportionment; provided, any such application for review or revision shall be filed in said Supreme Court within ninety (90) days after the filing of the written report of the Board of Apportionment with the Secretary of

State. If any report of the Board of Apportionment be revised by the Supreme Court, a certified copy of the judgment of said Court shall be, by the clerk thereof, forthwith transmitted to the Secretary of State, and thereupon said judgment shall be and become a substitute for the written report of the Board of Apportionment, and apportionment made therein, and proclamation thereof shall be made and published as hereinabove provided.

"At the next general election of members of the Legislature after any such apportionment, Senators and Representatives shall be elected in accordance therewith."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and lost.

Yeas, 31; Nays, 60.

Yeas:

Mr. Speaker	Golson	Mayhall	Sessions
Allen	Gwin	Meggins	Smyer
Bagley	Hardwick	McCord	Stone
Beck	Hill	McDanal	Thomas
Christopher	Hodo	Newman	Waldrop
Cook	Jones	Owens	Welch
Davis (Madison)	Kaul	Peacock	Young
Delony	Langan	Scott	

—31

Nays:

Ball	Cobb	Gewin	Martin
Barchard	Collier	Graham	Mathews (Clarke)
Barnes	Cope	Green	Mathews (Jackson)
Booth	Davis (Montgomery)	Hall	Miller
Boswell	Dearman	Hare	Neighbors
Branyon	Dobbs	Haynes	Payne
Brown (Covington)	Doster	Henson	Petrey
Brown (Lee)	Dominick	Jenkins	Pitts
Carwile	Ellis	Langley	Pool
Castleberry	Flowers	Locke	Quarles
Chewning	Garrett	Lovelace	Robinson (Lowndes)

Robinson (St. Clair)	Sightler	Tidmore	Whigham
Sadler	Spence	Walden	White
Sanderson	Stallings	Wallace	Wood
Sherrer	Taylor	Weston	Wright

—60

RECONSIDERATION

Mr. Miller moved to reconsider the vote by which the bill, H. 10, was lost and on motion of Mr. Weston the motion of Mr. Miller was tabled.

MESSAGE FROM THE SENATE

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 12. Be it resolved by the Senate, the House concurring, that when the two houses adjourn today they adjourn to meet again at Noon, on Tuesday, March 28, 1939.

Be it further resolved that no mileage be allowed to the members of the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones the House concurred in and adopted the Senate Joint Resolution 12 set out in the above and foregoing Message from the Senate.

BILL ON THIRD READING

H. 12. A bill to be entitled an act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expira-

tion of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as 'National Housing Act,' provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as "National Housing Act," provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed,

tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. Allen offered the following substitute for the bill, H. 12:

Substitute for House Bill No. 12.

By Mr. Allen:

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency"

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency."

"() Yes

"() No."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by proclamation of the Governor.

Mr. Sessions offered the following amendment to the substitute offered by Mr. Allen for the bill, H. 12:

Amend Substitute for House Bill No. 12 by striking therefrom in each place where it occurs therein, the following:

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as 'National Housing Act', provided such in-

vestments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

and insert in lieu thereof the following:

"Section 74. The Legislature shall from time to time prescribe or make provision for the termination of the securities or investments in which trust funds may be invested by administrators, executors, guardians, or other trustees, where a valid provision is not made in the instrument creating the trust, but unless and until validated pursuant to legislation hereafter enacted, no investment shall be authorized which was prohibited at the time of the adoption of this provision."

On motion of Mr. Allen the admendment offered by Mr. Sessions was tabled.

And the substitute offered by Mr. Allen for the bill, H. 12, was adopted.

Yeas, 62; Nays, 9.

Yeas:

Mr. Speaker	Delony	Lovell	Sherrer
Allen	Dobbs	Martin	Sightler
Bagley	Doster	Matthews (Jackson)	Smyer
Barchard	Dominick	McCord	Spence
Barnes	Garrett	McDanal	Stallings
Beck	Gewin	Nation	Stone
Booth	Golson	Owens	Thomas
Branyon	Hall	Payne	Tidmore
Brown (Lee)	Hardwick	Peacock	Waldrop
Castleberry	Hill	Petrey	Welch
Chewning	Hodo	Pitts	Weston
Christopher	Jones	Quarles	Whigham
Cope	Kaul	Robinson (Lowndes)	White
Davis (Madison)	Langan	Segrest	Wood
Davis (Montgomery)	Langley	Sessions	Wright
Dearman	Locke		

—62

Nays:

Messrs.:

Green, Hare, Haynes, Mathews of Clarke, Mayhall, Sadler, Sanderson, Walden, Wallace

— 9

And said bill, H. 12:

H. 12. A bill to be entitled an act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the

Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as 'National Housing Act,' provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed or insured as to principal by the United States Government or by any instrumentality or agency thereof as defined and provided in Sections 401 and 402 of Acts of Congress known as "National Housing Act," provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency. This section shall be self-executing."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the substitute offered by Mr. Allen, was read a third time at length and passed.

Yeas, 67; Nays, 9.

Yeas:

Mr. Speaker	Dearman	Locke	Segrest
Allen	Delony	Lovelace	Sessions
Bagley	Dobbs	Martin	Sherrer
Barchard	Doster	Matthews (Jackson)	Smyer
Barnes	Dominick	Megginson	Spence
Beck	Garrett	McCord	Stallings
Booth	Gewin	McDanal	Stone
Boswell	Golson	Nation	Thomas
Branyon	Hall	Owens	Tidmore
Brown (Covington)	Hardwick	Payne	Waldrop
Brown (Lee)	Haynes	Peacock	Welch
Castleberry	Hill	Petrey	Weston
Christopher	Hodo	Pitts	White
Collier	Jones	Quarles	Wood
Cope	Kaul	Robinson (Lowndes)	Wright
Davis (Madison)	Langan	Robinson (St. Clair)	Young
Davis (Montgomery)	Langley	Scott	

—67

Nays:

Messrs.:

Green, Hare, Mathews of Clarke, Neighbors, Sadler, Sanderson, Sightler, Taylor, Walden

— 9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House:

By Rules Committee:

S. J. R. 13. Be it resolved by the Senate, the House concurring, that the Special Session of the Legislature of Alabama adjourn sine die on Friday, March 31, 1939.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones the House concurred in and adopted the Senate Joint Resolution 13 set out in the above and foregoing message from the Senate.

ADJOURNMENT

On motion of Mr. Martin, the House, in accordance with a Senate joint resolution heretofore adopted, adjourned until Tuesday, March 28th, 1939, at twelve o'clock, noon.

FIFTH DAY

House of Representatives,
Montgomery, Alabama.
Tuesday, March 28th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Dr. Robert C. Edge, of Montgomery, Alabama.

ROLL CALL

On call of the roll of the House the following members answered to their names:

Mr. Speaker	Collier	Gwin	Miller
Allen	Cook	Hall	McCord
Austin	Cope	Harcwick	McDanal
Bagley	Davis (Madison)	Hare	McGowin
Ball	Davis (Montgomery)	Haynes	Nation
Barchard	Dearman	Henson	Neighbors
Barnes	Delony	Hill	Newman
Beck	Devers	Hodo	Norman (Bullock)
Booth	Dobbs	Jenkins	Norman (Lowndes)
Boswell	Doster	Jones	Owens
Branyon	Dominick	Langan	Payne
Brown (Covington)	Ellis	Langley	Peacock
Brown (Lee)	Flowers	Locke	Petrey
Carwile	Garrett	Lovelace	Phillips
Castleberry	Gewin	Martin	Pitts
Chewning	Golson	Mathews (Clarke)	Pool
Christopher	Graham	Matthews (Jackson)	Quarles
Clayton	Graves	Mayhall	Robertson (Cullman)
Cobb	Green	Megginson	Robinson (Lowndes)

Robinson (St. Clair)	Sightler	Thomas	Welch
Sadler	Smyer	Tidmore	Weston
Sanderson	Snyder	Toomer	Whigham
Scott	Spence	Tucker	White
Segrest	Stallings	Walden	Wood
Sessions	Stone	Waldrop	Wright
Sherrer	Taylor	Wallace	Young

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A quorum was present.

Leave of absence was granted Mr. Kaul for today.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the fourth legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the fourth legislative day was dispensed with, and the report of the Standing Committee on Revision of the Journal was concurred in and adopted, and the Journal of the House for the Fourth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of

Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?"

"Section 74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency."

"() Yes

"() No."

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Henry Neill Segrest,
Chairman.

The above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bill, and ordered same sent forthwith to the House without engrossment:

By Mr. McCall:

S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations provided by general laws with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections

and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations provided by general laws with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial

by jury may had on the demand of any person whose name is proposed to be stricken from the list.'

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bill set out at length in the above and foregoing Message from the Senate, was read one time at length and referred to an appropriate Standing Committee, as follows:

Constitution and Constitutional Amendments, S. 11.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Cobb:

H. J. R. 6. WHEREAS, Fort Oglethorpe at Chattanooga, Tennessee, and Fort McClellan at Anniston, Alabama, are two of the largest U. S. military and concentration camps and whereas, it is recognized that it would be to the advantage of both these military camps to have a direct paved road between them, and that the most direct, feasible, easily constructed route is from Anniston through Center and Gaylesville, Alabama, to the Georgia State Line where it connects with a road now under construction, to Summerville, Georgia, whereby a distance of approximately 35 miles can be saved. Therefore:

Be it resolved by the House, the Senate concurring, that the State Highway Department of Alabama and the Bureau of roads in Washington are respectfully urged to give immediate considera-

tion to the construction of such highway through Alabama; that the Highway Department of Alabama is respectfully requested to contact the Highway authorities in Georgia seeking cooperation on the part of that State in construction of the portion of the road that may lie in Georgia; That members of the House of Representatives and the United States Senators from Alabama in Congress, are urgently requested to use their influence to bring to the attention of the proper authorities in Washington the desirability and effectiveness of a road from Fort McClellan to Fort Oglethorpe and urging them to secure the adoption of the proposed route.

Be It Further Resolved, that a copy of this resolution be sent to the State Highway Department, Bureau of Roads in Washington, and to the members of the House of Representatives and the Senators of Alabama in the Congress of the United States.

On motion of Mr. Cobb, the rules were suspended, and the H. J. R. 6 was adopted.

By Mr. Norman of Bullock:

H. J. R. 7. WHEREAS Section 2918 of the Code of 1923 requires that the General and Local Acts, and the joint resolutions of the Legislature be printed and bound in book form, and

WHEREAS this would entail unnecessary expense in connection with the extraordinary session which convened on March 16, 1939, as only a very small number of bills were approved at said extraordinary session.

Now, Therefore, Be It Resolved by the House, the Senate concurring, that the Secretary of State be authorized to have the Acts of the extraordinary session of the Legislature, which convened on March 16, 1939, bound together in the same volume or volumes with the Acts of the regular session of the Legislature of 1939; and that the Journals of the House and Senate of the extraordinary session which convened on March 16, 1939, be bound together with the Journals of the House and Senate of the regular session of the Legislature of 1939.

On motion of Mr. Norman, of Bullock, the rules were suspended, and the H. J. R. 7 was adopted.

By Mr. Weston:

H. J. R. 8. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT,

WHEREAS, the future welfare of the people of the State of Alabama depends upon proper and adequate education of the children of the State, it being well recognized that the relative position of a State in the economic and scientific world has a direct relationship with the educational training offered and received by its citizens; and,

WHEREAS, the State of Alabama and the other agencies of our State Government have contributed to educational purposes as generously as the wealth of the State would permit, and,

WHEREAS, such contributions have not been and are not now adequate to provide satisfactory school terms for the present or future, and it is absolutely necessary and essential that financial assistance from other sources be secured;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama hereby calls upon the senators and representatives in Congress from the State of Alabama to lend their support and influence to the end that National legislation be originated and passed granting to the State of Alabama such financial assistance as may be necessary to provide reasonable and adequate school terms for the children of our State, that they may receive that proper training to which they are of a right entitled so that they might attain that position in the business world for which they should be equipped.

BE IT FURTHER RESOLVED, that a copy of this resolution, properly certified, be sent to each Senator and Representative in the Congress of the United States from the State of Alabama.

On motion of Mr. Weston, the rules were suspended, and the H. J. R. 8 was adopted.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Peacock:

H. 47. To propose an amendment to Section 280 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Constitution and Constitutional Amendments.

BILLS ON SECOND READING

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an

election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, S. 4, proposing an amendment to the Constitution, was read a second time at length, and placed on the Calendar.

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

"(Yes.....)"

"(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, S. 9, proposing an amendment

to the Constitution, was read a second time at length, and placed on the Calendar.

COMMUNICATION

The following telegram was read to the House:

BMA 133 51 DL 5 EXTRA XC-TALLADEGA ALA 28 1112A
HUGH D. MERRILL, SPEAKER HOUSE OF REPRESENT-
ATIVES, STATE CAPITOL, MONTGOMERY, ALA.

I WISH TO EXPRESS TO YOU AND THROUGH YOU
TO THE MEMBERS OF THE HOUSE OF REPRESENT-
ATIVES MY APPRECIATION FOR THE KINDNESS
SHOWN ME AND THE OFFICIAL FAMILY OF THE ALA-
BAMA EDUCATION ASSOCIATION AND FOR THE COUR-
TEOUS CONSIDERATION GIVEN ALL BILLS AFFECT-
ING PUBLIC EDUCATION IN ALABAMA.

E. C. MCBRIDE, RETIRING PRESIDENT ALABAMA
EDUCATION ASSOCIATION.

BILLS ON THIRD READING

H. 42. To make an appropriation of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 93; Nays, 0.

Yeas:

Mr. Speaker	Flowers	Mayhall	Sessions
Allen	Garrett	Megginson	Sherrer
Bagley	Gewin	McDanal	Sightler
Ball	Golson	McGowin	Smyer
Barchard	Graham	Nation	Snyder
Barnes	Graves	Neighbors	Spence
Booth	Green	Newman	Stallings
Boswell	Gwin	Norman (Bullock)	Stone
Branyon	Hall	Norman (Lowndes)	Taylor
Brown (Covington)	Hardwick	Owens	Thomas
Carwile	Hare	Payne	Tidmore
Castleberry	Haynes	Peacock	Toomer
Christopher	Henson	Petrey	Tucker
Clayton	Hill	Phillips	Walden
Collier	Hodo	Pitts	Waldrop
Cook	Jones	Pool	Wallace
Cope	Langan	Quarles	Welch
Davis (Madison)	Langley	Robertson (Cullman)	Weston
Davis (Montgomery)	Locke	Robinson (Lowndes)	Whigham
Delony	Lovelace	Robinson (St. Clair)	White
Devers	Martin	Sadler	Wood
Dobbs	Mathews (Clarke)	Scott	Wright
Dominick	Matthews (Jackson)	Segrest	Young
Ellis			

On motion of Mr. Jones, the bill, H. 42, was ordered sent forthwith to the Senate without engrossment.

H. 4. To provide for the release and discharge of banks or trust companies in the event payment of deposits made in the name of two persons, payable to either, or payable to either or the survivor, is made to either of such persons, whether the other be living or not.

Was read a third time at length and passed.

Yeas, 73, Nays, 0.

Yeas:

Mr. Speaker	Devers	Mayhall	Scott
Allen	Dobbs	Megginson	Sherrer
Bagley	Dominick	McGowin	Sightler
Ball	Ellis	Nation	Spence
Barchard	Flowers	Neighbors	Stallings
Barnes	Garrett	Newman	Stone
Beck	Graham	Norman (Bullock)	Taylor
Boswell	Gwin	Norman (Lowndes)	Thomas
Branyon	Hardwick	Owens	Tidmore
Brown (Covington)	Haynes	Payne	Toomer
Brown (Lee)	Henson	Peacock	Tucker
Carwile	Hill	Petrey	Waldrop
Christopher	Hodo	Phillips	Welch
Clayton	Jones	Pitts	Whigham
Collier	Langan	Quarles	White
Cook	Lovelace	Robertson (Cullman)	Wood
Davis (Madison)	Martin	Robinson (Lowndes)	Wright
Davis (Montgomery)	Mathews (Clarke)	Sadler	Young
Delony			

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On motion of Mr. Robertson, the bill, H. 4, was ordered sent forthwith to the Senate without engrossment.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Robertson, the bill, H. 5 was indefinitely postponed.

On motion of Mr. Hodo, the bill, H. 17 was indefinitely postponed.

On motion of Mr. Smyer, the bill, S. 8, was indefinitely postponed.

On motion of Mr. Dominick, the bill, H. 44 was indefinitely postponed.

On motion of Mr. McCord, the bill, H. 28, was indefinitely postponed.

On motion of Mr. Castleberry, the bill, H. 35, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House:

By Mr. Stakely:

S. J. R. 14. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING:

THAT, WHEREAS, there was inaugurated on the 2nd day of January, 1939, an annual football game in the City of Montgomery, Alabama, known as "The Blue and Gray Game"; and

WHEREAS, it is the considered judgment of the Legislature of the State of Alabama, that an annual affair of this kind, participated in by the cream of the Northern football players and the cream of the Southern football players, would be conducive to the promotion of a better understanding and a friendlier relationship between citizens of the North and the citizens of the South; and

WHEREAS, such an affair promises to become one of the outstanding sports events of the Nation,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA:

That the Blue and Gray Game be and it hereby is commended to the Nation, and that the approval of this Body be and the same is hereby granted, without reservation, to the Blue and Gray Cradle Association sponsoring this event, and all patriotic citizens of the State of Alabama are by this resolution urged to show their affection for and interest in the aims and purposes of this Association by becoming members of the Blue and Gray Cradle Association.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Sigtler, the rules were suspended, and the S. J. R. 14 set out in the above and foregoing Message from the Senate, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 15. BE IT RESOLVED BY THE SENATE the

House concurring, that when the two houses adjourn today, they adjourn to meet again Wednesday, March 29 at 10 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin, the rules were suspended, and the S. J. R. 15 set out in the above and foregoing Message from the Senate, was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House.

H. 2. To validate bonds authorized and proceedings taken for the authorization of said bonds since February 2, 1935, by any county, city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Welch, the House concurred in and adopted the Senate amendment to the Bill, H. 2, said Senate amendment being as follows:

SENATE SUBSTITUTE FOR HOUSE BILL 2

A bill to be entitled an act to validate bonds creating a general obligation or for which full faith and credit is pledged, which have been authorized and to validate proceedings taken for the authorization of said bonds since July 1, 1938, by any city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

Be it enacted by the Legislature of Alabama:

Section 1. In all cases since July 1, 1938, where any city or town in this State has authorized the issuance of bonds which create or shall create a general obligation or indebtedness on the part of such city or town or for which the full faith and credit of such city or town is pledged, and the voters of such city or town have since such date approved the issuance of such bonds at an

election called and held for that purpose, all such bonds when heretofore or hereafter sold and delivered as provided by law are hereby declared to be valid and legally binding obligations of such city or town, notwithstanding, without limiting the generality of the foregoing, any defect or irregularities in the proceedings had to authorize such bonds, including the failure of the bonds or the proceedings had to authorize such bonds to comply with any statutory provision or provisions that no annual installment of principal shall be more than twice as large as the smallest prior installment of principal of the same issue, the failure to file any petition required by law, or the failure to file a petition in the form required by law.

Section 2. This Act shall become effective upon its approval by the Governor.

Section 3. The provisions of this Act shall not apply to any bonds which shall be authorized by vote of the people subsequent to the passage of this Act.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Devers	Meggins	Scott
Allen	Dobbs	McDanal	Segrest
Ball	Dominick	McGowin	Sherrer
Barchard	Flowers	Neighbors	Smyer
Beck	Gewin	Newman	Spence
Booth	Graham	Norman (Bullock)	Stallings
Brown (Covington)	Green	Norman (Lowndes)	Stone
Brown (Lee)	Gwin	Owens	Thomas
Carwile	Hall	Payne	Tidmore
Castleberry	Hardwick	Petrey	Toomer
Christopher	Hill	Phillips	Tucker
Clayton	Jones	Pitts	Welch
Collier	Langan	Pool	Weston
Cook	Langley	Quarles	Whigham
Cope	Martin	Robertson (Cullman)	White
Davis (Madison)	Mathews (Clarke)	Robinson (Lowndes)	Wood
Dearman	Mayhall	Sadler	Young
Delony			

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. McCall:

S. 18. To amend Section 2932 of the Code of 1923, so as to read as follows: The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance

from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama".

Also:

By Mr. Carlton (with notice and proof):

S. 19. To create the office of County Solicitor of Marengo County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties;

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA,
MARENGO COUNTY.

Before me, Laura W. Drinkard, a notary public in and for said County, in said State, personally appeared R. E. Sutton, who, being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, Marengo County, Alabama, and that the said Democrat-Reporter is a newspaper of general circulation in Marengo County, Alabama, and that the NOTICE OF Local Bill to make office of County Solicitor elective copy of which is hereto attached, was published in said newspaper. The Democrat-Reporter, for 4 consecutive weeks, to-wit:—in the issues dated Jan. 19, 1939, Jan. 26, 1939, Feb. 2, 1939, Feb. 9, 1939, and that each of said above issues was duly circulated among the subscribers of said newspapers, which said newspaper has been mailed under a second class mailing privilege of the United States Post Office where it is published for fifty-two (52) consecutive weeks prior to the publication of the above stated Notice of Local Bill.

R. E. SUTTON

Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this 15th day of March, 1939.

LAURA W. DRINKARD,

(Seal) Notary Public, Marengo County, Alabama.

My Commission expires Dec., 1941.

NOTICE OF LOCAL BILL

Notice is hereby given that a bill will be introduced in the legislature of Alabama, reading in substance as follows: A bill to be entitled:

AN ACT

To create the office of County Solicitor of Marengo County, Alabama; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his duties; and to abolish the office of Deputy Solicitor for said County.

Section 1. That the office of County Solicitor is hereby created for the County of Marengo, State of Alabama, in lieu of the office of Deputy Solicitor as now provided by law, the said office of Deputy Solicitor in said County is hereby expressly abolished.

Section 2. That a County Solicitor shall be elected by the qualified electors of the County of Marengo, at a Special Election to be held for the election of the said County Solicitor on May 15, 1939; and shall hold office from the first Monday after the second Tuesday in June next after his election and until his successor is elected and qualified. His successor shall be elected by the qualified electors of said County at the General Election to be held for the election of State and County Officers in the year 1942, and every four years thereafter; and shall hold office from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 3. Vacancies in the office of such County Solicitor shall be filled by appointment of the Governor of the State of Alabama and the appointee shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. It shall be the duty of the county Solicitor of Marengo County to perform all the duties now or hereafter to be prescribed by law for Deputy Solicitors. He shall represent the State in all cases in the County Court and Inferior Courts of the County, in all preliminary proceedings, applications for bail and habeas corpus and other criminal proceedings in said county requiring the service of a prosecuting attorney; to aid and act for the Solicitor of the Circuit Court before the Grand Jury and in all matters of the Circuit Court, and in the absence of the Circuit Solicitor to perform all of his duties in said county; also to attend coroner's inquest and examine witnesses and select such witnesses as in his judgment should be and appear before the Grand Jury or before the courts on preliminary hearing or habeas corpus.

Section 5. For his services as prescribed in the next preceding section, the County Solicitor of Marengo County shall receive the sum of \$1500.00 per annum, payable monthly in the sum of \$125.00 by the County Treasurer of said County on warrant drawn by the Probate Judge on said Treasurer on the first day of each Calendar month.

Section 6. That for every conviction in said County Court or other Inferior Court of Marengo County there shall be taxed against the defendants the same fees as are now provided by law in similar cases for Circuit Solicitors in the Circuit Court and said fees when so collected shall be paid to the County Treasurer of said County and the same shall be kept separate and apart from other funds belonging to said County and shall be known and set up as "The County Solicitor's Salary Fund."

Section 7. In the event the fees collected as tax against defendants as Solicitor's fees in criminal cases tried in the County or other Inferior Courts of Marengo County exceed the sum of \$1500.00 per annum then and in that event any surplus over and above the sum of \$1500.00 per annum shall be converted into and become a part of the General Fund of the County.

Section 8. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

J. E. Speight,
Secretary.

SENATE MESSAGE

The Senate bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Rules, S. 18.

Local Legislation No. 1, S. 19.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 16. To further define the powers, functions and duties of the State Treasurer.

Also:

H. 26. To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State institutions where education is a part of the program of the Institution to borrow money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purposes specified in said Act from any private person or corporation or lending agency as well as from Federal agencies.

J. E. Speight,
Secretary.

BILLS ON THIRD READING

H. 8. To grant a bank or trust company the option to refuse payment of a check or other instrument payable on demand at such bank or trust company, in the event such check or instrument payable on demand is presented more than six months after its date, and to relieve the bank or trust company of liability to the drawer or maker for dishonoring the check or other demand instrument by non-payment thereof.

Was read a third time at length and passed. Yeas, 62; Nays, 0.

Yeas:

Mr. Speaker
Allen
Ball
Booth

Boswell
Brown (Covington)
Brown (Lee)
Carwile

Christopher
Clayton
Cook
Cope

Davis (Madison)
Dearman
Delony
Devers

Doster	Martin	Phillips	Stone
Dominick	Mathews (Clarke)	Pitts	Taylor
Flowers	Mayhall	Quarles	Thomas
Garrett	Megginson	Robertson (Cullman)	Tidmore
Gewin	McCord	Robinson (Lowndes)	Tucker
Green	McGowin	Scott	Wallace
Gwin	Neighbors	Segrest	Welch
Hardwick	Newman	Sessions	White
Hare	Norman (Bullock)	Sherrer	Wood
Haynes	Norman (Lowndes)	Sightler	Wright
Hill	Owens	Smyer	Young
Langan	Peacock		

—62

On motion of Mr. Robertson, the bill, H. 8, was ordered sent forthwith to the Senate without engrossment.

H. 9. To amend subdivision (3) of Section 9037 of the Code of Alabama of 1923.

Was read a third time at length and passed. Yeas, 68; Nays, 0.

Yeas:

Mr. Speaker	Ellis	McCord	Smyer
Allen	Flowers	McDanal	Spence
Ball	Garrett	McGowin	Stallings
Barchard	Gewin	Newman	Taylor
Barnes	Green	Norman (Bullock)	Thomas
Boswell	Gwin	Norman (Lowndes)	Tidmore
Branyon	Hall	Owens	Toomer
Brown (Lee)	Hardwick	Payne	Tucker
Clayton	Henson	Peacock	Waldrop
Collier	Hill	Pitts	Wallace
Cook	Hodo	Quarles	Welch
Dearman	Langan	Robertson (Cullman)	Weston
Delony	Langley	Robinson (Lowndes)	Whigham
Devers	Lovelace	Sadler	White
Dobbs	Martin	Scott	Wood
Doster	Mathews (Clarke)	Sherrer	Wright
Dominick	Mayhall	Sightler	Young

—68

On motion of Mr. Robertson the bill, H. 9 was ordered sent forthwith to the Senate without engrossment.

H. 33. To fix the salary of the Chief Deputy, appointed by and under the authority conferred on Sheriffs by Sect. 10188 of the Code of Alabama 1923, in all counties in this State which may hereafter have a population of 50,000 people and less than 60,000 people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same:

Was taken up. Mr. Hardwick offered the following amendment to the bill, H. 33:

To Amend House Bill 33, by striking out the following: "or any such census which may hereafter be taken.

And the amendment offered by Mr. Hardwick to the bill, H. 33, was adopted.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Dominick	McGowin	Smyer
Allen	Garrett	Nation	Snyder
Ball	Gewin	Neighbors	Stone
Beck	Graves	Newman	Thomas
Booth	Green	Norman (Bullock)	Tidmore
Brown (Lee)	Gwin	Norman (Lowndes)	Toomer
Carwile	Hardwick	Owens	Tucker
Castleberry	Haynes	Peacock	Waldrop
Chewning	Hill	Petrey	Wallace
Clayton	Hodo	Phillips	Welch
Cope	Langan	Pitts	Weston
Davis (Madison)	Langley	Pool	Whigham
Dearman	Martin	Quarles	White
Delony	Mathews (Clarke)	Robinson (Lowndes)	Wood
Devers	Megginsin	Sadler	Wright
Dobbs	McCord	Scott	Young
Doster	McDanal	Sherrer	

—67

And said bill:

H. 33. To fix the salary of the Chief Deputy, appointed by and under the authority conferred on Sheriffs by Sect. 10188 of the Code of Alabama 1923, in all counties in this State which may hereafter have a population of 50,000 people and less than 60,000 people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same:

As amended by the amendment offered by Mr. Hardwick, was read a third time at length and passed.

Yeas, 67; Nays, 0.

Yeas:

Mr. Speaker	Dominick	McGowin	Smyer
Allen	Garrett	Nation	Snyder
Ball	Gewin	Neighbors	Stone
Beck	Graves	Newman	Thomas
Booth	Green	Norman (Bullock)	Tidmore
Brown (Lee)	Gwin	Norman (Lowndes)	Toomer
Carwile	Hardwick	Owens	Tucker
Castleberry	Haynes	Peacock	Waldrop
Chewning	Hill	Petrey	Wallace
Clayton	Hodo	Phillips	Welch
Cope	Langan	Pitts	Weston
Davis (Madison)	Langley	Pool	Whigham
Dearman	Martin	Quarles	White
Delony	Mathews (Clarke)	Robinson (Lowndes)	Wood
Devers	Megginsin	Sadler	Wright
Dobbs	McCord	Scott	Young
Doster	McDanal	Sherrer	

—67

On motion of Mr. Quarles, the bill, H. 33, was ordered sent forthwith to the Senate without engrossment.

H. 30. (with amendment): To authorize county and city boards of education school warrants as legal investments of trust funds.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the title to House bill 30 so as to read as follows:

"A bill to be entitled an act to authorize trustees, executors, administrators, guardians, and other persons acting in a fiduciary capacity to invest funds of their trust in interest bearing warrants of any county or city board of education in the State of Alabama, which warrants are secured by a pledge of a special three (3) mill county tax for schools, or a special three (3) mill district tax for schools.

And the amendment reported by the Standing Committee on Judiciary was adopted.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Doster	McCord	Sessions
Ball	Flowers	McDanal	Sightler
Beck	Garrett	McGowin	Smyer
Booth	Gewin	Nation	Stallings
Boswell	Graves	Neighbors	Stone
Brown (Lee)	Gwin	Newman	Taylor
Carwile	Hall	Norman (Bullock)	Thomas
Castleberry	Haynes	Norman (Lowndes)	Tidmore
Clayton	Hill	Owens	Toomer
Collier	Hodo	Phillips	Tucker
Cope	Langan	Pitts	Waldrop
Davis (Madison)	Langley	Pool	Wallace
Dearman	Lovlace	Robertson (Cullman)	Welch
Delony	Martin	Robinson (Lowndes)	Wood
Devers	Mathews (Clarke)	Sadler	Wright
Dobbs	Megginsin	Scott	Young

—64

And said bill:

H. 30. To authorize county and city boards of education school warrants as legal investments of trust funds.

As amended by the amendment reported by the Standing Committee on Judiciary, was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Mr. Speaker	Clayton	Doster	Hill
Ball	Collier	Flowers	Hodo
Beck	Cope	Garrett	Langan
Booth	Davis (Madison)	Gewin	Langley
Boswell	Dearman	Graves	Lovlace
Brown (Lee)	Delony	Gwin	Martin
Carwile	Devers	Hall	Mathews (Clarke)
Castleberry	Dobbs	Haynes	Megginsin

McCord	Owens	Sessions	Toomer
McDanal	Phillips	Sightler	Tucker
McGowin	Pitts	Smyer	Waldrop
Nation	Pool	Stallings	Wallace
Neighbors	Robertson (Cullman)	Stone	Welch
Newman	Robinson (Lowndes)	Taylor	Wood
Norman (Bullock)	Sadler	Thomas	Wright
Norman (Lowndes)	Scott	Tidmore	Young

—64

On motion of Mr. Hodo the bill, H. 30, was ordered sent forth-with to the Senate without engrossment.

H. 38. To create and establish a Board of Revenue for Jackson County in the place of the present Commissioners' Court now existing in said County, to consist of a Chairman and four members; to provide for the time and manner of the election of the Chairman of said Board by the qualified electors of the County at large; to provide for the time and manner of the election of one member of said Board from and by the qualified electors of each of the four Board of Revenue Districts of said County; to provide for the powers, duties and compensation of the Chairman of the Board of Revenue and for the powers, duties, and compensation of the said Board and of the several members thereof; to provide for the procedure for audit and allowance of claims against the County by the said Board; to provide for the manner in which said Board may bind the County by contract and to provide for the publishing in some newspaper published in Jackson County, Alabama, the minutes of said Board of Revenue in the next issue of said newspaper next succeeding the adoption of the same.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Devers	Langley	Scott
Allen	Garrett	Locke	Sightler
Bagley	Gewin	Lovelace	Smyer
Ball	Golson	Meggins	Snyder
Barchard	Graham	McGowin	Spence
Barnes	Graves	Nation	Stone
Beck	Green	Neighbors	Taylor
Booth	Gwin	Newman	Tidmore
Boswell	Hall	Owens	Toomer
Branyon	Hare	Payne	Tucker
Carwile	Haynes	Peacock	Walden
Clayton	Henson	Petrey	Waldrop
Cobb	Hill	Phillips	Wallace
Collier	Hodo	Pitts	White
Cook	Jenkins	Pool	Wood
Cope	Jones	Quarles	Wright
Dearman	Langan	Sadler	Young
Delony			

—69

On motion of Mr. Devers the bill, H. 38, was ordered sent forthwith to the Senate without engrossment.

H. 45. To require the Walker County Board of Education to assume and pay the fifty five bonds in the sum of \$250.00 each, issued by the Town of Cordova, Alabama, under date of September 1, 1937, which bonds were issued under Ordinance adopted by the Town of Cordova on August 21, 1937, and requiring the Walker County Board of Education to issue its warrants in lieu of said bonds.

Was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Graham	McGowin	Smyer
Ball	Green	Nation	Snyder
Barchard	Gwin	Neighbors	Stone
Booth	Hall	Owens	Taylor
Boswell	Hardwick	Payne	Thomas
Carwile	Hare	Peacock	Tidmore
Clayton	Haynes	Petrey	Toomer
Cobb	Henson	Phillips	Tucker
Collier	Hill	Pitts	Walden
Cook	Hodo	Pool	Waldrop
Cope	Jenkins	Quarles	Wallace
Delony	Jones	Sadler	Welch
Devers	Langan	Scott	Weston
Dobbs	Langley	Segrest	White
Doster	Locke	Sessions	Wood
Flowers	McCord	Sherrer	Wright
Garrett	McDanal	Sightler	Young
Gewin			

—69

On motion of Mr. McDanal, the bill, H. 45, was ordered sent forthwith to the Senate without engrossment.

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Was taken up. Mr. Smyer offered the following substitute for the bill, H. 40:

Substitute for H. 40:

A BILL

To be entitled an act to further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all Counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Counties having a population of 300,000 or more according to the last or any subsequent Federal census the powers and duties now or hereafter conferred by law upon County Commissions and the members thereof shall be distributed into and among three departments, as follows: 1. Department of Finance and General Administration, which department shall be specially charged with the general administration of the financial affairs of the County, the purchase of supplies, the collection of taxes, licenses and all other sources of income, the expenditures of the County, the management of its sinking fund, the management of the public buildings of the County and the accounting and records of the County's affairs. In this department shall fall the supervision and administration of such control and supervision as the commission has over the following offices and departments of the County Government: The Chief Clerk of the Commission, the probate judge's office, the offices of the various courts, the office of the county treasurer, the office of tax collector, the office of tax assessors, the office of any board of review or similar board, including any boards of appraisement, the office of the election commission, the office of any purchasing department, the office of the board of registrars, and the office of the license commissioner, 2. Department of Public Works, which department shall have special supervision over all public improvements in the county, including the construction, improvement and maintenance of the highways, streets, bridges, ferries, sewage, disposal plants, sewage lines, and the erection of all public buildings, except those buildings used or to be used by the Department of Public Welfare, provided for herein. 3. Department of Public Welfare, which department shall have supervision over all eleemosynary, correctional and welfare institutions and agencies of the county, including county hospitals, clinics, institutions for the aged and indigent, prisons, jails, juvenile court, health department, department of public welfare, county farm and county home demonstration agents, social service agencies, sheriff's office, and county employees or agents performing the duties of coroner. The powers and duties pertaining to each of said departments shall be performed by the President and the commissioners in accordance with the general plan above outlined, the President of the Commission being in charge of the Department of Finance and General Administration, Associate Commissioner Number 1 being in charge of the Department of Public Works, and Associate Commissioner Number 2 being in charge of the Department of Public Welfare. The head of each such department shall supervise and control its operation subject to the authority of the Commission as a whole. The President of the Commission shall be the general executive

officer and shall be charged with the general supervision and direction of the County's affairs. Any department of the County Government not specifically assigned hereinabove to either one of the departments 1, 2 or 3, may by action of the Commission be assigned to either of said departments. The health and quarantine matters shall be administered in accordance with the established health system of the State and such health laws as are now in force or may hereafter be enacted, and nothing in this Act shall be construed as repealing or otherwise affecting the provisions of any civil service law now or hereafter in force or effect in any such County.

Sec. 2. This act shall take effect upon its approval by the Governor.

And the substitute offered by Mr. Smyer for the bill, H. 40, was adopted.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Gewin	Mayhall	Spence
Bagley	Golson	Meggins	Stallings
Ball	Graham	Miller	Stone
Barchard	Graves	McCord	Taylor
Barnes	Green	McDana	Thomas
Booth	Gwin	McGowin	Tidmore
Boswell	Hall	Nation	Toomer
Branyon	Hardwick	Owens	Tucker
Cobb	Hare	Payne	Walden
Collier	Haynes	Peacock	Waldrop
Cook	Henson	Petrey	Wallace
Cope	Hill	Phillips	Welch
Dearman	Hodo	Pitts	Weston
Delony	Jenkins	Sadler	White
Devers	Jones	Sessions	Wood
Ellis	Langan	Smyer	Wright
Flowers	Martin	Snyder	Young
Garrett			

—69

And said bill:

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

As amended by the substitute offered by Mr. Smyer, was read a third time at length and passed.

Yeas, 69; Nays, 0.

Yeas:

Mr. Speaker	Beck	Clayton	Cope
Allen	Booth	Cobb	Dobbs
Ball	Boswell	Collier	Doster
Barnes	Branyon	Cook	Dominick

Ellis	Hodo	Payne	Sightler
Flowers	Jenkins	Peacock	Smyer
Garrett	Jones	Petrey	Snyder
Gewin	Langan	Phillips	Spence
Golson	Langley	Pitts	Stallings
Graham	Martin	Pool	Tidmore
Green	McCord	Quarles	Toomer
Gwin	McDanal	Sadler	Tucker
Hall	McGowin	Sanderson	Walden
Hardwick	Nation	Scott	Welch
Hare	Neighbors	Segrest	Weston
Haynes	Newman	Sessions	White
Henson	Owens	Sherrer	Wood
Hill			

—69

On motion of Mr. Smyer, the bill, H. 40, was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the following:

H. J. R. 6. Relative to a paved highway between Fort Oglethorpe at Chattanooga, Tennessee, and Fort McClellan at Anniston, Alabama.

Also:

H. J. R. 8. Relative to Congress granting financial assistance to the State of Alabama for adequate school terms.

And returns same herewith to the House.

J. E. Speight,
Secretary.

ADJOURNMENT

On motion of Mr. McGowin the House, in accordance with a Senate joint resolution heretofore adopted, adjourned until tomorrow Wednesday, March 29, 1939, at ten o'clock, A. M.

SIXTH DAY

House of Representatives,
Montgomery, Alabama,
Wednesday, March 29th, 1939.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Dr. P. N. McDonald, of Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Devers	Mathews (Clarke)	Scott
Allen	Dobbs	Matthews (Jackson)	Segrest
Bagley	Doster	Meggins	Sessions
Ball	Dominick	Miller	Sherrer
Barchard	Ellis	McCord	Sightler
Barnes	Flowers	McDana	Smyer
Beck	Garrett	McGowin	Snyder
Booth	Golson	Nation	Spence
Boswell	Graham	Neighbors	Stallings
Branyon	Green	Newman	Stone
Brown (Covington)	Gwin	Norman (Bullock)	Taylor
Brown (Lee)	Hall	Norman (Lowndes)	Thomas
Carwile	Hardwick	Owens	Tidmore
Castleberry	Hare	Payne	Toomer
Chewning	Haynes	Peacock	Tucker
Christopher	Henson	Petrey	Walden
Clayton	Hill	Phillips	Waldrop
Cobb	Hodo	Pitts	Wallace
Collier	Jenkins	Pool	Welch
Cook	Jones	Quarles	Weston
Cope	Kaul	Robertson (Cullman)	Whigham
Davis (Madison)	Langan	Robinson (Lowndes)	White
Davis (Montgomery)	Langley	Robinson (St. Clair)	Wood
Dearman	Lovelace	Sadler	Wright
Delony	Martin	Sanderson	Young

—100

A quorum was present.

LEAVE OF ABSENCE

Was granted to Messrs. Austin, Gewin, Graves, Locke, and Mayhall for today.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the fifth legislative day, and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the fifth legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Fifth Legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolutions.

H. 2. To validate bonds creating a general obligation or for which full faith and credit is pledge, which have been authorized and to validate proceedings taken for the authorization of said bonds since July 1, 1938, by any city or town in the State of Alabama when heretofore or hereafter issued and sold as provided by law.

Also:

H. 16. To further define the powers, functions and duties of the State Treasurer.

Also:

H. 26. To amend the title and body of the Act entitled "An Act to provide authority for the State Board of Education and/or the trustees of all State institution where education is a part of the program of the Institution to borrow money from Federal agencies for the erection of buildings, beautification of grounds and the erection and maintenance of swimming pools at the several State Institutions; to authorize the issuance of bonds, warrants or other evidences of debt for the repayment of the amount borrowed with interest at a rate not to exceed four per

cent semi annually, and to pledge therefor the fees from students to be levied by the Institution for which the money is borrowed, and any other moneys not appropriated by the State to said Institution; to make such bonds, warrants or other evidences of debt not an obligation of the State and not payable out of any moneys provided by the State," approved September 13, 1935, to provide that the State Board of Education and/or the trustees of all State Institutions where education is a part of the program of the Institution may borrow money for the purposes specified in said Act from any private person or corporation or lending agency as well as from Federal agencies.

Also:

H. J. R. 6. Relative to the construction of a paved road between Fort Oglethorpe at Chattanooga, Tennessee, and Fort McClellan at Anniston, Alabama.

Also:

H. J. R. 8. Relative to National legislation being originated and passed granting to the State of Alabama such financial assistance as may be necessary to provide reasonable and adequate school terms for the children of the State.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Toomer:

H. J. R. 9. WHEREAS the Honorable Franklin D. Roosevelt, President of these United States, and his official party, will visit Tuskegee and Auburn, Alabama, on March 30th, 1939, en route to Warm Springs, Georgia, and

WHEREAS suitable programs have been planned at Tuskegee

and Auburn, Alabama, and the President will speak on both occasions, and

WHEREAS it is the desire of this Legislature to show its admiration and respect for the President by giving him a hearty welcome to the State of Alabama by attendance of these programs, and

WHEREAS the Legislature has adjourned for Thursday, March 30th,

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the citizens of Alabama, and the Legislature of Alabama, be, and they are hereby, urged to show their patriotism and hospitality by attending these programs.

On motion of Mr. Toomer, the rules were suspended, and H. J. R. 9 was adopted.

By Matthews of Jackson:

H. J. R. 10. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THAT:

WHEREAS, it now appears that on the first day of August next, the surplus of cotton in this country will approximate 13,000,000 bales; and

WHEREAS, this amount of surplus cotton will seriously affect the price of cotton; and

WHEREAS, due to the abnormal and unusual conditions now prevailing, it appears to be necessary to materially reduce the surplus of cotton;

THEREFORE, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, that the Congress of the United States be urged to enact legislation authorizing and requiring the government of the United States, by using the number of bales of cotton which the government is now holding, as security for loans thereon, and by acquiring a sufficient number of bales in addition thereto, to retire from the market 10,000,000 bales of cotton. It is suggested that 5,000,000 bales be so retired during the current calendar year, and that 5,000,000 bales be retired during the calendar year of 1940, and that such 10,000,000 bales of cotton be held by the United States to be used for War purposes or for emergency purposes at the discretion of the President, but that none of such cotton shall be otherwise placed upon the markets of the World.

It is further suggested that such Act provide for the issue of currency against the cost to the government of such 10,000,000 bales of cotton; such currency or any part thereof shall be used for the purpose to be set out in such Act.

It is further suggested that the amount of cotton now being held by the United States as security for loans be taken over and all of the right, title, and interest thereto of the original growers be liquidated by the cancellation of such loans and the further payment of \$1.25 per bale to the original growers of such cotton.

And that such amount of cotton necessary to make up the 10,000,000 bales so provided for be purchased at the then current market price.

That whatever amount of currency may be issued against the value of the cotton so retired be used by the government for liquidating any loans which the government may have contracted for the lending of money on such cotton or for the purchase of any amount thereof, and that when any or all of such cotton is processed or disposed of, as may be provided in such Act, then the equivalent amount of such currency shall be retired from circulation.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Clerk of the House to the President of the United States; the presiding officer of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary of Agriculture of the United States; to the Chairman of the Agriculture Committee of the United States Senate and to the Chairman of the Agricultural Committee of the United States House of Representatives; and the Senators and Representatives from Alabama.

And the H. J. R. 10 was read and referred to the Standing Committee on Agriculture.

By Mr. Welch:

H. J. R. 11. RESOLVED by the House, the Senate concurring, that the Secretary of State and the Doorkeeper of the House, and the Doorkeeper of the Senate, be and they are hereby relieved of any and all liability and responsibility for the Codes and the Acts of the Legislature placed on the desks of the members of the two houses for their use during the sessions of the Legislature of 1939.

On motion of Mr. Welch, the rules were suspended, and H. J. R. 11 was adopted.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 18. To amend Section 2932 of the Code of 1923, so as to read as follows:

The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama."

The above and foregoing bill was read a second time and placed on the calendar.

Mr. Jones, Chairman of the Standing Committee on Constitution and Constitutional Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall

also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill, S. 11, proposing an amendment to the Constitution, was read a second time at length and placed on the Calendar.

BILL INDEFINITELY POSTPONED

On motion of Mr. Beck, the bill, H. 34, was indefinitely postponed.

BILLS ON THIRD READING

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor

Was taken up. Mr. McGowin offered the following amendment to the bill, S. 4.

AMENDMENT TO S. 4 BY MR. MCGOWIN

Amend S. 4 by striking therefrom the word "first" where the same appears before the word "Tuesday" in both the title and Section 1 thereof and inserting in lieu thereof the word "second."

And the amendment offered by Mr. McGowin to the bill, S. 4 was adopted.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Delony	Matthews (Jackson)	Segrest
Allen	Devers	Megginson	Sessions
Bagley	Dominick	McDanal	Sherrer
Ball	Green	McGowin	Sightler
Barnes	Gwin	Nation	Smyer
Beck	Hall	Newman	Spence
Booth	Hardwick	Norman (Lowndes)	Stallings
Boswell	Hare	Owens	Stone
Brown (Covington)	Haynes	Payne	Taylor
Carwile	Henson	Peacock	Thomas
Castleberry	Hill	Petrey	Tidmore
Chewning	Jenkins	Phillips	Tucker
Cobb	Jones	Pitts	Welch
Collier	Kaul	Pool	Whigham
Cook	Langan	Quarles	White
Cope	Langley	Robertson (Cullman)	Wood
Davis (Madison)	Lovelace	Robinson (Lowndes)	Wright
Davis (Montgomery)	Martin	Sadler	Young
Dearman	Mathews (Clarke)	Scott	

—75

Mr. Castleberry offered the following amendment to the bill, S. 4:

AMENDMENT TO S. 4 BY MR. CASTLEBERRY

Amend Section 4 of SB 4 to read as follows:

"Section 4—The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections, except that the expenses of said election shall be paid out of the state treasury."

Mr. Jones moved to table the amendment offered by Mr. Castleberry and the motion to table was lost.

Yeas, 23; Nays, 54.

Yeas:

Mr. Speaker	Davis (Montgomery)	Langan	Smyer
Barnes	Hare	Martin	Spence
Beck	Haynes	Megginson	Walden
Boswell	Jenkins	McGowin	Welch
Chewning	Jones	Quarles	Young
Christopher	Kaul	Segrest	

—23

Nays:

Messrs.:	Cobb	Green	McCord
Allen	Cook	Gwin	McDanal
Bagley	Cope	Hall	Nation
Ball	Davis (Madison)	Henson	Newman
Barchard	Dearman	Hill	Norman (Lowndes)
Booth	Delony	Langley	Owens
Brown (Covington)	Devers	Lovelace	Payne
Carwile	Dominick	Mathews (Clarke)	Peacock
Castleberry	Ellis	Miller	Petrey

Phillips	Sessions	Thomas	Whigham
Robertson (Cullman)	Sightler	Tidmore	White
Robinson (Lowndes)	Stallings	Toomer	Wood
Sadler	Stone	Wallace	Wright
Scott	Taylor	Weston	—54

And the amendment offered by Mr. Castleberry to the bill, S. 4, was adopted.

Yeas, 63; Nays, 13.

<i>Yeas:</i>			
Messrs.:	Davis (Montgomery)	Mathews (Clarke)	Sadler
Allen	Dearman	Megginson	Scott
Bagley	Delony	Miller	Sessions
Ball	Devers	McCord	Sightler
Barchard	Dominick	McDanal	Smyer
Booth	Ellis	Nation	Stallings
Brown (Covington)	Green	Newman	Stone
Carwile	Gwin	Norman (Lowndes)	Taylor
Castleberry	Hall	Owens	Thomas
Chewning	Hardwick	Payne	Tidmore
Christopher	Haynes	Peacock	Toomer
Cobb	Henson	Petrey	Weston
Collier	Hill	Phillips	Whigham
Cook	Jenkins	Quarles	White
Cope	Langley	Robertson (Cullman)	Wood
Davis (Madison)	Lovell	Robinson (Lowndes)	Wright
			—63

<i>Nays:</i>			
Messrs.:	Boswell	McGowin	Walden
Speaker	Jones	Segrest	Welch
Barnes	Kaul	Spence	Young
Beck	Martin		—13

And said bill:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have

power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended, was read a third time at length and passed.

Yeas, 73; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Miller	Segrest
Allen	Delony	McCord	Sessions
Bagley	Devers	McDanal	Sightler
Ball	Dominick	McGowin	Smyer
Barchard	Green	Nation	Spence
Barnes	Gwin	Newman	Stallings
Beck	Hardwick	Norman (Bullock)	Stone
Booth	Hare	Norman (Lowndes)	Taylor
Boswell	Henson	Owens	Thomas
Brown (Covington)	Hill	Payne	Tidmore
Carwile	Jones	Peacock	Toomer
Castleberry	Kaul	Petrey	Waldrop
Chewning	Langan	Phillips	Welch
Christopher	Langley	Quarles	Whigham
Cobb	Lovell	Robertson (Cullman)	White
Collier	Martin	Robinson (Lowndes)	Wood
Cook	Mathews (Clarke)	Sadler	Wright
Cope	Megginson	Scott	Young
Davis (Madison)			

—73

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as

may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

"(Yes.....)

"(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon

the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. McGowin offered the following amendment to the bill, S. 9.

AMENDMENT TO S. 9 BY MR. MCGOWIN

Amend S. 9 by striking therefrom the word "first" where the same appears before the word "Tuesday" in both the title and Section 1 thereof and inserting in lieu thereof the word "second."

And the amendment offered by Mr. McGowin to the bill, S. 9, was adopted.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Green	Miller	Sightler
Ball	Gwin	McCord	Smyer
Barchard	Hall	McDanal	Spence
Barnes	Hardwick	McGowin	Stallings
Beck	Hare	Nation	Stone
Booth	Haynes	Newman	Taylor
Boswell	Henson	Norman (Lowndes)	Thomas
Brown (Covington)	Hill	Owens	Tidmore
Carwile	Hodo	Payne	Toomer
Castleberry	Jenkins	Peacock	Walden
Chewning	Jones	Petrey	Wallace
Cook	Kaul	Quarles	Welch
Cope	Langan	Robertson (Cullman)	Weston
Davis (Madison)	Langley	Robinson (Lowndes)	Whigham
Dearman	Lovelace	Sadler	White
Delony	Martin	Scott	Wood
Devers	Mathews (Clarke)	Segrest	Wright
Dominick	Matthews (Jackson)	Sessions	Young
Garrett	Meggins	Sherrer	

—75

Mr. Hardwick offered the following amendment to the bill, S. 9:

To amend Senate Bill No. 9 by adding to sections 1 and 3 thereof after the word "guilty" the following words: Provided, however, the defendant cannot plead guilty within fifteen days after his arrest.

And the amendment offered by Mr. Hardwick to the Bill, S. 9, was adopted.

Yeas, 66; Nays, 0.

Yeas:

Mr. Speaker	Barchard	Castleberry	Collier
Allen	Beck	Chewning	Cook
Bagley	Brown (Covington)	Christopher	Davis (Madison)
Ball	Carwile	Cobb	Dearman

Devers	Matthews (Jackson)	Robinson (Lowndes)	Tidmore
Dominick	Miller	Sanderson	Toomer
Green	McCord	Scott	Walden
Gwin	McDanal	Sessions	Waldrop
Hardwick	McGowin	Sherrer	Wallace
Henson	Nation	Sightler	Welch
Hill	Newman	Smyer	Weston
Jenkins	Norman (Bullock)	Spence	Whigham
Kaul	Norman (Lowndes)	Stallings	White
Langan	Owens	Stone	Wood
Langley	Payne	Taylor	Wright
Lovell	Petrey	Thomas	Young
Mathews (Clarke)	Robertson (Cullman)		

—66

Mr. Castleberry offered the following amendment to the bill, S. 9:

Amend Section 4 of S. B. 9 to read as follows:

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the state treasury.

Mr. Hare moved to table the amendment offered by Mr. Castleberry to the Bill, S. 9, and the motion to table was lost.

Yeas, 27; Nays, 51.

Yeas:

Mr. Speaker	Davis (Montgomery)	Lovell	Sessions
Bagley	Hare	Martin	Smyer
Barnes	Hodo	Meggins	Spence
Beck	Jenkins	McGowin	Walden
Boswell	Jones	Nation	Welch
Chewning	Kaul	Norman (Bullock)	Young
Davis (Madison)	Langan	Segrest	

—27

Nays:

Messrs.:	Devers	Newman	Sightler
Allen	Dominick	Norman (Lowndes)	Stallings
Barchard	Ellis	Owens	Stone
Booth	Graham	Payne	Taylor
Carwile	Green	Peacock	Thomas
Castleberry	Hall	Petrey	Tidmore
Christopher	Henson	Phillips	Toomer
Cobb	Langley	Quarles	Tucker
Collier	Mathews (Clarke)	Robertson (Cullman)	Weston
Cook	Matthews (Jackson)	Robinson (Lowndes)	Whigham
Cope	Miller	Sadler	White
Dearman	McCord	Scott	Wood
Delony	McDanal	Sherrer	Wright

—51

And the amendment offered by Mr. Castleberry to the bill, S. 9 was adopted.

Yeas, 54; Nays, 24.

Yeas:

Messrs.:	Devers	Nation	Sightler
Allen	Dominick	Newman	Stallings
Ball	Ellis	Norman (Lowndes)	Stone
Barchard	Graham	Owens	Taylor
Booth	Green	Payne	Thomas
Carwile	Hall	Peacock	Tidmore
Castleberry	Henson	Petrey	Toomer
Christopher	Hill	Phillips	Tucker
Collier	Langley	Quarles	Weston
Cook	Mathews (Clarke)	Robertson (Cullman)	Whigham
Cope	Matthews (Jackson)	Robinson (Lowndes)	White
Davis (Madison)	Miller	Sadler	Wood
Dearman	McCord	Scott	Wright
Delony	McDanal	Sherrer	

—54

Nays:

Mr. Speaker	Davis (Montgomery)	Kaul	Segrest
Bagley	Hardwick	Langan	Sessions
Barnes	Hare	Martin	Smyer
Beck	Hodo	Meggins	Spence
Boswell	Jenkins	McGowin	Walden
Chewning	Jones	Norman (Bullock)	Welch

—24

And said bill:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prose-

cutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

"(Yes.....)"

"(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended, was read a third time at length and passed.

Yeas, 74; Nays, 0.

Yeas:

Mr. Speaker	Dearman	Lovelace	Sadler
Allen	Delony	Martin	Sanderson
Bagley	Devers	Mathews (Clarke)	Sessions
Ball	Dominick	Matthews (Jackson)	Sherrer
Barchard	Flowers	Meggins	Smyer
Barnes	Garrett	Miller	Stallings
Beck	Green	McDanal	Taylor
Booth	Gwin	McGowin	Thomas
Boswell	Hall	Nation	Tidmore
Brown (Covington)	Hardwick	Newman	Toomer
Carwile	Hare	Norman (Bullock)	Tucker
Castleberry	Henson	Norman (Lowndes)	Waldrop
Chewning	Hill	Owens	Wallace
Cobb	Hodo	Payne	Welch
Collier	Jenkins	Peacock	Weston
Cook	Jones	Petrey	Whigham
Cope	Kaul	Robertson (Cullman)	Wright
Davis (Madison)	Langan	Robinson (Lowndes)	Young
Davis (Montgomery)	Langley		

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendments to the bills:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby ap-

pointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law, if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the

advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the defense that he desires to plead guilty.'

"(Yes.....)"

"(No)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by procla-

mation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And requests a Committee of Conference.

Messrs. Hildreth, Elmore and Lusk have been named as conferees on the part of the Senate.

J. E. Speight,
Secretary,

SENATE MESSAGE

On motion of Mr. McGowin, the House acceded to the request of the Senate for a Committee of Conference on the disagreement of the two houses on the House amendment to the bills, S. 9 and S. 4.

The Speaker named as a Committee of Conference on the part of the House, Messrs. Castleberry, Cope and Jones.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House.

H. 22. A bill to be entitled An Act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them; as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elec-

tions for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of member of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four

successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama: "'All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in

each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The Provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942.'

"(Yes.....)

"(No.....)".

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary,

SENATE MESSAGE

On motion of Mr. Davis of Madison, the House concurred in and adopted the Senate amendment to the bill, H. 22. Said Senate amendment being as follows:

Amend H. B. 22 by striking therefrom the word "first" where the same appears before the word "Tuesday" in both the title and Section 1 thereof and inserting in lieu thereof the word "second."

Amend House Bill 22 by striking therefrom where the same appears in said Bill the following:

"The Legislature may by joint resolution recess from time to time, and if so stated in the resolution, such recess shall suspend the running of the consecutive calendar days for which the Legislature is authorized to be in session. When any recess suspends the running of the consecutive calendar days for which the Legislature is authorized to be in session, the members shall not be entitled to any compensation during such recess."

To amend H. B. 22 by adding the following words at the end of the caption thereof; "and to provide for the expenses of holding said election."

Amend Section 4 of H.B. 22 to read as follows:

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the state under the provisions of the Constitution."

To amend H.B. 22 by adding following:

Section 4-A. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election."

Yeas, 81; Nays, 0.

Yeas:

Mr. Speaker	Cope	Hall	Megginson
Allen	Davis (Madison)	Hardwick	Miller
Ball	Davis (Montgomery)	Hare	Matthews (Jackson)
Barchard	Dearman	Haynes	McCord
Barnes	Delony	Henson	McDanal
Beck	Devers	Hill	McGowin
Booth	Doster	Hodo	Nation
Boswell	Dominick	Jones	Neighbors
Branyon	Ellis	Kaul	Newman
Brown (Covington)	Flowers	Langan	Norman (Bullock)
Carwile	Garrett	Langley	Payne
Castleberry	Graham	Lovelace	Peacock
Cobb	Green	Martin	Petrey
Collier	Gwin	Mathews (Clarke)	Phillips

Pitts	Sessions	Thomas	Welch
Pool	Sherrer	Tidmore	Whigham
Quarles	Sightler	Toomer	White
Robertson (Cullman)	Smyer	Tucker	Wood
Sadler	Stone	Walden	Wright
Scott	Taylor	Waldrop	Young
Segrest			

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted

as an amendment to Section 124 of the Constitution of Alabama?

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Said Conference Report being in word and figures as follows, to-wit:

REPORT OF THE JOINT COMMITTEE OF CONFERENCE ON SENATE BILL NO. 4

To the President of the Senate and
The Speaker of the House

Your Conference Committee appointed to consider the disagreement of the two Houses on Senate Bill No. 4 recommends as follows:

1. That the House recede from all of its amendments.

2. That Section 4 of said bill be amended so as to read as follows:

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution"

3. That said bill be amended further by adding thereto Section 4-a to read as follows:

"Section 4-a. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election".

4. That the caption of said bill be amended by changing the period appearing immediately after the last word in the caption to-wit: "proposed"

to a semi-colon, and that there be added immediately after the semi-colon the following words, "And to provide for the expenses of holding said election".

5. That the bill be further amended by striking therefrom the word "first" where the same appears before the word "Tuesday" in both the title and Section 1 thereof, and inserting in lieu thereof the word "second"

And that said bill as thus amended be passed.

E. F. HILDRETH,
V. W. ELMORE,
J. A. LUSK, JR.,
Conferees on the part of the Senate
R. E. S. COPE, JR.,
FORREST CASTLEBERRY,
GEO. BLISS JONES,
Conferees on the part of the House
of Representatives.

And said bill, S. 4 was again read a third time at length and passed as amended by Conference report.

And sends same, together with the Conference Report herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Jones, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 4. Said report of said Committee of Conference being set out in the above and foregoing Message from the Senate.

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Delony	Martin	Robertson (Cullman)
Allen	Devers	Mathews (Clarke)	Sadler
Bagley	Doster	Matthews (Jackson)	Scott
Ball	Dominick	Megginson	Segrest
Barchard	Flowers	Miller	Sessions
Barnes	Garrett	McCord	Sherrer
Beck	Green	McDana	Smyer
Booth	Hall	McGowin	Taylor
Boswell	Hardwick	Nation	Thomas
Branyon	Hare	Neighbors	Tidmore
Brown (Covington)	Haynes	Newman	Tucker
Carwile	Henson	Norman (Bullock)	Walden
Castleberry	Hill	Payne	Welch
Cobb	Hodo	Peacock	Whigham
Collier	Jones	Petrey	White
Cope	Kaul	Phillips	Wood
Davis (Madison)	Langan	Pitts	Wright
Davis (Montgomery)	Langley	Pool	Young
Dearman	Lovelace	Quarles	

And said bill:

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the report of the Committee of Conference, was again read a third time at length and passed.

Yeas, 78; Nays, 0.

Yeas:

Mr. Speaker	Devers	Martin	Sadler
Allen	Doster	Mathews (Clarke)	Segrest
Bagley	Dominick	Mathews (Jackson)	Sessions
Ball	Flowers	Miller	Sherrer
Barchard	Garrett	McCord	Sightler
Barnes	Graham	McDanal	Smyer
Beck	Green	McGowin	Taylor
Booth	Gwin	Nation	Thomas
Boswell	Hall	Neighbors	Tidmore
Branyon	Harcwick	Newman	Toomer
Brown (Covington)	Hare	Norman (Bullock)	Tucker
Carwile	Haynes	Payne	Walden
Castleberry	Henson	Peacock	Waldrop
Cobb	Hill	Petrey	Welch
Collier	Jenkins	Phillips	Whigham
Cope	Jones	Pitts	White
Davis (Madison)	Kaul	Pool	Wood
Davis (Montgomery)	Langan	Quarles	Wright
Dearman	Langley	Robertson (Cullman)	Young
Delony	Lovelace		

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the

present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may

by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty.

“(Yes.....)”

(No.....)”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Said Conference Report being in word and figures as follows, to-wit:

REPORT OF THE JOINT COMMITTEE OF CONFERENCE ON SENATE BILL NO. 9

To the President of the Senate
and
The Speaker of the House

Your Conference Committee appointed to consider the disagreement of the two Houses on Senate Bill No. 9 recommends as follows:

1. That the House recede from all of its amendments.
2. That Section 4 of said bill be amended so as to read as follows:

“Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution”.

3. That said bill be amended further by adding thereto Section 4-a to read as follows:

“Section 4-a. That there is hereby appropriated out of the General

Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election."

4. That the caption of said bill be amended by changing the period appearing immediately after the last word in the caption, to-wit: "proposed" to a semi-colon, and that there be added immediately after the semi-colon the following words, "And to provide for the expenses of holding said election."

5. That the bill be further amended by striking therefrom the word "first" where the same appears before the word "Tuesday" in both the title and Section 1 thereof, and inserting in lieu thereof the word "second".

6. That said bill be further amended by adding to Sections 1 and 3 thereof after the word "guilty" where the same appears in said sections the following words, "provided, however, the defendant cannot plead guilty within fifteen days after his arrest."

And that said bill as thus amended be passed.

V. W. ELMORE,
E. F. HILDRETH
J. A. LUSK, JR.,
Conferees on the part of the Senate
R. E. S. COPE, JR.,
FORREST CASTLEBERRY,
GEO. BLISS JONES,
Conferees on the part of the House
of Representatives.

And said bill, S. 9 was again read a third time at length and passed as amended by the Conference report.

And sends same together with the Conference Report herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Castleberry, the House concurred in and adopted the Report of the Committee of Conference on the disagreement of the Two Houses on the House Amendment to the Bill, S. 9. Said report of said Committee of Conference being set out in the above and foregoing Message from the Senate.

Yeas, 79; Nays, 0.

Yeas:

Mr. Speaker	Chewning	Garrett	Jones
Allen	Cobb	Graham	Kaul
Ball	Collier	Green	Langan
Barchard	Cope	Gwin	Langley
Barnes	Davis (Madison)	Hall	Martin
Beck	Davis (Montgomery)	Hardwick	Mathews (Clarke)
Booth	Dearman	Hare	Matthews (Jackson)
Boswell	Delony	Haynes	Megginson
Branyon	Devers	Henson	Miller
Brown (Covington)	Doster	Hill	McDana
Carwile	Dominick	Hodo	McGowin
Castleberry	Flowers	Jenkins	Nation

Neighbors	Pool	Smyer	Waldrop
Newman	Quarles	Spence	Welch
Norman (Bullock)	Robertson (Cullman)	Taylor	Weston
Payne	Sadler	Thomas	White
Peacock	Segrest	Tidmore	Wood
Petrey	Sessions	Toomer	Wright
Phillips	Sherrer	Tucker	Young
Pitts	Sightler	Walden	

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And said bill:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four succes-

sive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty."

"(Yes.....)"

"(No.....)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the Report of the Committee of Conference was again read a third time at length and passed.

Yeas, 79; Nays, 0.

Yeas:

Mr. Speaker	Devers	Lovelace	Sadler
Allen	Doster	Martin	Segrest
Ball	Dominick	Mathews (Clarke)	Sessions
Barchard	Flowers	Matthews (Jackson)	Sherrer
Barnes	Garrett	Megginson	Sightler
Beck	Graham	Miller	Smyer
Booth	Green	McCord	Taylor
Boswell	Gwin	McDanal	Thomas
Branyon	Hall	McGowin	Tidmore
Brown (Covington)	Hardwick	Nation	Toomer
Carwile	Hare	Neighbors	Tucker
Castleberry	Haynes	Newman	Walden
Chewning	Henson	Norman (Bullock)	Waldrop
Cobb	Hill	Payne	Welch
Collier	Hodo	Peacock	Whigham
Cope	Jenkins	Phillips	White
Davis (Madison)	Jones	Pitts	Wood
Davis (Montgomery)	Kaul	Pool	Wright
Dearman	Langan	Quarles	Young
Delony	Langley	Robertson (Cullman)	

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and sends same herewith to the House:

By Rules Committee:

S. J. R. 16. Be it resolved by the Senate, the House concurring, that when the two houses of the Legislature adjourn today, they adjourn to meet again Friday, March 31 at 9:00 A.M.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. McGowin, the House concurred in and adopted the S. J. R. 16 set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the following:

H. J. R. 9. Relative to welcoming President Roosevelt to Alabama.

Also:

H. J. R. 11. Relative to relieving the Secretary of State and the Doorkeepers of the House and Senate from any liability of the Codes and the Acts of the Legislature placed on the desks of the Senators, and Representatives.

And returns same herewith to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To The House Of Representatives:

I hereby certify that the House bills and House joint resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named, and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 A.M. on March 29, 1939.

H. 2.

H. 16.

H. 26.

H. J. R. 6.

H. J. R. 8.

R. T. Goodwyn, Jr.,
Clerk.

ADJOURNMENT

On motion of Mr. McGowin the House, in accordance with a Senate joint resolution, heretofore adopted, adjourned until Friday, March 31st, 1939, at nine o'clock A.M.

SEVENTH DAY

House of Representatives,
Montgomery, Alabama,
Friday, March 31st, 1939

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Collier of the House.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Dobbs	Martin	Sanderson
Allen	Doster	Mathews (Clarke)	Scott
Austin	Dominick	Mathews (Jackson)	Segrest
Bagley	Ellis	Mayhall	Sessions
Ball	Flowers	Megginson	Sherrer
Barchard	Garrett	Miller	Sightler
Barnes	Gewin	McCord	Smyer
Beck	Golson	McDanaI	Snyder
Booth	Graham	McGowin	Spence
Boswell	Graves	Nation	Stallings
Branyon	Green	Neighbors	Stone
Brown (Covington)	Gwin	Newman	Taylor
Brown (Lee)	Hall	Norman (Bullock)	Thomas
Carwile	Hardwick	Norman (Lowndes)	Tidmore
Castleberry	Hare	Owens	Toomer
Chewning	Haynes	Payne	Tucker
Christopher	Henson	Peacock	Walden
Clayton	Hill	Petrey	Waldrop
Cobb	Hodo	Phillips	Wallace
Collier	Jenkins	Pitts	Welch
Cook	Jones	Pool	Weston
Cope	Kaul	Quarles	Whigham
Davis (Madison)	Langan	Robertson (Cullman)	White
Davis (Montgomery)	Langley	Robinson (Lowndes)	Wood
Dearman	Locke	Robinson (St. Clair)	Wright
Delony	Lovell	Sadler	Young
Devers			

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A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to

report that we have carefully examined the Journals of the House for the sixth legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the sixth legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the sixth legislative day was approved.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bill and House joint resolutions:

H. J. R. 9. Relative to extending a welcome to Honorable Franklin D. Roosevelt, President of the United States, and his official party, to the State of Alabama.

Also:

H. J. R. 11. Relative to relieving the Secretary of State, Doorkeeper of the House, and Doorkeeper of the Senate of liability and responsibility for Codes and Acts placed on the desks of the members of both houses.

Also:

H. 22. A bill to be entitled an act to propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the Second Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature. And to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for said election is the Second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "All sessions

of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for

each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama: "All sessions of the Legislature shall be held at the Capitol in the Senate Chamber and in the Hall of the House of Representatives; unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require."'" The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers and the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant-Governor, Attorney-General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the

determination of contested elections for such offices, the judging of the election returns and qualifications of the members of the Legislature, and the inauguration of the Governor and the other elected State officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant-Governor, and the House of Representatives shall elect one of its members as Speaker, to preside over its deliberations. The President of the Senate and the Speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified.

"The Legislature shall convene in regular sessions on the first Tuesday in May of 1943 and on the first Tuesday in May in each second year thereafter, until the date of meeting shall have been changed by Act of the Legislature and approved by the Governor. No such regular session shall continue for longer than sixty consecutive calendar days.

"No special session of the Legislature convened in the manner provided by this Constitution shall continue for longer than thirty consecutive calendar days.

"The pay of members of the Legislature shall be ten dollars for each day during the period in which the Legislature is in session but not exceeding in any event the number of calendar days for which the Legislature is authorized to be in session. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the Legislature.

"The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.

"The provisions of this amendment shall become effective at the beginning of the term of the members of the Legislature elected at the General Election in 1942."

"(Yes.....)

"(No)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the state under the provisions of the Constitution.

Section 4-A. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and House joint resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

RESOLUTIONS

The following resolution was introduced.

By Mr. Cobb and Mr. McCord:

H. J. R. 12.

WHEREAS, the Alabama-Coosa Branch of the Mobile River system in Alabama is a very vital water course in the State of Alabama and transgresses much valuable farm land and many industrial centers, and:

WHEREAS, it is greatly desired that said system be opened to navigation from its source at Rome in the State of Georgia to the Port of Mobile in the State of Alabama. That the traffic which will use the Alabama-Coosa Water Way and the resulting savings in freight rates effected by this use has greatly increased in the last few years and said savings as well as other beneficial factors will make this project economically sound at this time, and:

WHEREAS, on the banks of the Coosa River branches of this system there are located several cities and towns among which are, Wetumpka, Gadsden, and Center, Alabama and Rome in the State of Georgia and within the past few years these cities and

town have greatly increased its manufacturing industries and said cities and towns have practically doubled their population and it is now practical to ship considerable quantities of Alabama's manufactured natural resources and Alabama's many varied agricultural products to the world over this system and through the great Port of Mobile, and;

WHEREAS, the Hon. Lister Hill, Member of the United States Senate from the State of Alabama, has just recently obtained favorable action on a resolution before the Committee of Commerce of the United States Senate authorizing a review and a reconsideration of the previous reports of the Board of Engineers for rivers and harbors of the United States and said review and said consideration and an actual new survey is now being had of said Alabama-Coosa branch of the Mobile River system with a view to determine the advisability of constructing reservoirs on these rivers for the improvement of said river system for navigation, flood control and hydro-electric power as well as for many other beneficial effects, and;

WHEREAS, it is the studied consensus of opinion of this Legislature that the entire State of Alabama would be greatly benefited by the opening to navigation of said Alabama-Coosa branch of the Mobile River.

NOW THEREFORE BE IT RESOLVED by the House, the Senate concurring that the Hon. Lister Hill be and he is hereby commended for his efforts in obtaining a review and reconsideration of the previous reports on the Alabama-Coosa branch of the Mobile river and for his untiring efforts in his attempt to obtain the opening up of said system and this House and Senate hereby lends its best efforts in assisting the Hon. Lister Hill, our Senator, in his fine work, and;

BE IT FURTHER RESOLVED that the Governor of the State of Georgia and the Legislature of the State of Georgia be and they are hereby now asked to likewise lend their best efforts in obtaining the opening up of the said Alabama-Coosa Branch of the Mobile River system of Alabama and Georgia as said improvements will greatly benefit the flourishing city of Rome in the State of Georgia and;

BE IT FURTHER RESOLVED that this Legislature now calls upon the Hon. John H. Bankhead, our other Senator, and also calls upon all of the members of the House of Representatives of the United States from Alabama to now assist the State of Alabama in obtaining the opening up of said river system and;

BE IT FURTHER RESOLVED that copies of this resolution be mailed to the Hon. Lister Hill and to the Hon. John H. Bankhead, Senator from the State of Alabama, and to each of the members of the House of Representatives from Alabama and to

the Governor of the State of Georgia and to both the House of Representatives and the Senate of the State of Georgia.

On motion of Mr. Cobb the rules were suspended and the H. J. R. 12 was adopted.

BILLS ON THIRD READING

S. 18. To amend Section 2932 of the Code of 1923, so as to read as follows: The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama".

Was read a third time at length and passed:

Yeas, 75; Nays, 0.

Yeas:

Mr. Speaker	Dominick	Mathews (Clarke)	Scott
Allen	Ellis	Matthews (Jackson)	Segrest
Austin	Flowers	Megginson	Sessions
Bagley	Garrett	McCord	Sherrer
Barnes	Gewin	McGowin	Sightler
Beck	Green	Nation	Smyer
Booth	Gwin	Newman	Spence
Brown (Covington)	Hall	Norman (Lowndes)	Stallings
Brown (Lee)	Hardwick	Owens	Stone
Carwile	Hare	Payne	Thomas
Castleberry	Haynes	Peacock	Tidmore
Clayton	Henson	Petrey	Toomer
Cobb	Hill	Phillips	Tucker
Cope	Jones	Pitts	Walden
Davis (Madison)	Kaul	Pool	Welch
Davis (Montgomery)	Langan	Quarles	Weston
Dearman	Langley	Robertson (Cullman)	Wright
Delony	Lovelace	Sadler	Young
Devers	Martin	Sanderson	

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S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of

Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations provided by general laws with

reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.'

“() Yes

() No”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up. Mr. McGowin offered the following amendment to the bill, S. 11.

AMENDMENT TO SENATE BILL NO. 11, BY MR. MCGOWIN:

Amend Section 1 of Senate Bill No. 11 by striking out the word “first” where it appears therein and inserting in lieu thereof the word “second”.

Further amend Senate Bill No. 11 by striking therefrom the word “first” where it appears in the caption of said bill and inserting in lieu thereof the word “second”. Also amend the caption of said bill by changing the period after the word “proposed” to a semi-colon and adding to the caption of said bill the follow-

ing words: and to provide for the expenses of holding said election.

Further amend said bill by striking therefrom Section 4 and inserting in lieu thereof the following:

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution".

Further amend said Bill by adding thereto Section 4-a to read as follows:

Section 4-a. "That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election."

And the amendment offered by Mr. McGowin to the bill, S. 11 was adopted.

Yeas, 75; nays, 0.

Yeas:

Mr. Speaker	Flowers	Mathews (Clarke)	Scott
Allen	Garrett	Matthews (Jackson)	Segrest
Austin	Gewin	Megginson	Sessions
Bagley	Golson	McCord	Sherrer
Barnes	Green	McGowin	Sightler
Beck	Gwin	Nation	Smyer
Booth	Hall	Newman	Spence
Brown (Covington)	Hardwick	Norman (Lowndes)	Stallings
Brown (Lee)	Hare	Owens	Stone
Carwile	Haynes	Payne	Thomas
Castleberry	Henson	Peacock	Tidmore
Cobb	Hill	Petrey	Tucker
Cope	Hodo	Phillips	Walden
Davis (Madison)	Jones	Pitts	Welch
Davis (Montgomery)	Kaul	Pool	Whigham
Dearman	Langan	Quarles	Wood
Delony	Langley	Robertson (Cullman)	Wright
Devers	Lovelace	Robinson (Lowndes)	Young
Dominick	Martin	Sanderson	

—75

And said bill:

S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an

election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of

the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.'

"() Yes

() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended by the amendment offered by Mr. McGowin, was read a third time at length and passed.

Yeas, 73; Nays 1.

Yeas:

Mr. Speaker

Allen

Austin

Bagley

Ball

Barnes

Beck

Booth

Brown (Covington)

Brown (Lee)

Carwile

Castleberry

Chewning

Collier

Cope

Davis (Madison)

Davis (Montgomery)

Dearman

Delony

Devers

Dominick

Flowers

Garrett

Gewin

Golson

Green

Gwin

Hall

Hare

Haynes

Henson

Hill

Hodo

Jones

Kaul

Langan

Langley

Martin

Mathews (Clarke)

Mathews (Jackson)

Megginson

McCord

McGowin

Nation

Neighbors	Quarles	Sherrer	Toomer
Newman	Robertson (Cullman)	Sightler	Tucker
Norman (Lowndes)	Robinson (Lowndes)	Smyer	Walden
Owens	Sadler	Spence	Welch
Payne	Scott	Stone	Wood
Petrey	Segrest	Thomas	Wright
Phillips	Sessions	Tidmore	Young
Pitts			

—73

Nay: Mr. Peacock

— 1

MESSAGE FROM THE SENATE

Mr. Speaker :

The President and Presiding Officer of the Senate having signed the following Senate bills, and Senate Joint Resolutions, your signature thereto is requested :

S. 4. A bill to be entitled An Act to propose an amendment to Section 124 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held on the Second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed ; and to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama :

Section 1. The following amendment to Section 124 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the Second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein

provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 124 of the Constitution of Alabama?"

"Section 124. The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."

"() Yes

"() No"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

By Mr. Hildreth:

S. 9. A bill to be entitled An Act to propose an amendment to Section 8 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed; and to provide for the expenses of holding said election.

Be It enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 8 of the Constitution of the State of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State of

Alabama upon the proposed amendment and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State for at least four successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election, there shall be printed the following: "Shall the following be adopted as an amendment to Section 8 of the Constitution of Alabama?"

"Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punish-

ment, the Legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest.'

"(Yes_____)

"(No_____)"

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof shall be made to the Secretary of State, and counted in the same manner as in elections for Representatives in the Legislature; and, if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

S. J. R. 14. Pertaining to the annual football game in the City of Montgomery, Alabama, known as "The Blue and Gray Game".

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate joint resolution, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following House bill—and returns same herewith to the House :

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama :

Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the first Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows :

“Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation ; any such Acts now existing are avoided, saving investments heretofore made ; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency.”

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election, there shall be printed the following :

“Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama ?

“Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation; any such Acts now existing are avoided, saving investments hertofore made; provided, however, that any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount authorized to be insured by any such instrumentality or agency.’

“() Yes

“() No.”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

SENATE MESSAGE

On motion of Mr. Allen, the House concurred in and adopted the Senate Amendment to the bill, H. 12, said Senate amendment being as follows:

SENATE SUBSTITUTE FOR H. 12

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed; and to provide for the expenses of holding said election.

“Be it enacted by the Legislature of Alabama:

"Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

'Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that, unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency.'

"Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

"Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election, there shall be printed the following:

"'Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?

"'"Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that, unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency.'"

"“() Yes

"“() No.’

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. "That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

"Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor."

Yeas, 77; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovlace	Sadler
Allen	Doster	Martin	Sanderson
Austin	Dominick	Mathews (Clarke)	Segrest
Bagley	Flowers	Matthews (Jackson)	Sessions
Ball	Garrett	Megginson	Sightler
Barnes	Gewin	McCord	Smyer
Booth	Golson	McDanal	Snyder
Brown (Covington)	Green	McGowin	Stallings
Brown (Lee)	Gwin	Neighbors	Taylor
Carwile	Hall	Newman	Thomas
Castleberry	Hardwick	Norman (Lowndes)	Tidmore
Chewning	Henson	Owens	Toomer
Christopher	Hill	Peacock	Tucker
Collier	Hodo	Petrey	Walden
Cope	Jenkins	Phillips	Wallace
Davis (Madison)	Jones	Pitts	Welch
Davis (Montgomery)	Kaul	Pool	Whigham
Dearman	Langan	Quarles	Wright
Delony	Langley	Robertson (Cullman)	Young
Devers			

—77

And said bill:

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama:

"Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: 'Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that, unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency.'

"Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

"Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following:

"('Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?

"('Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency."

"(') Yes

"(') No.'

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. "That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

"Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

As amended, was again read a third time at length and passed.

Yeas, 77; Nays, 0.

Yeas:

Mr. Speaker	Dobbs	Lovelace	Sadler
Allen	Doster	Martin	Sanderson
Austin	Dominick	Mathews (Clarke)	Segrest
Bagley	Flowers	Matthews (Jackson)	Sessions
Ball	Garrett	Megginson	Sightler
Barnes	Gewin	McCord	Smyer
Booth	Golson	McDanal	Snyder
Brown (Covington)	Green	McGowin	Stallings
Brown (Lee)	Gwin	Neighbors	Taylor
Carwile	Hall	Newman	Thomas
Castleberry	Hardwick	Norman (Lowndes)	Tidmore
Chewning	Henson	Owens	Toomer
Christopher	Hill	Peacock	Tucker
Collier	Hodo	Petrey	Walden
Cope	Jenkins	Phillips	Wallace
Davis (Madison)	Jones	Pitts	Welch
Davis (Montgomery)	Kaul	Pool	Whigham
Dearman	Langan	Quarles	Wright
Delony	Langley	Robertson (Cullman)	Young
Devers			

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 30. To authorize trustees, executors, administrators, guar-

dians, and other persons acting in a fiduciary capacity to invest funds of their trust in interest bearing warrants of any county or city board of education in the State of Alabama, which warrants are secured by a pledge of a special three (3) mill county tax for schools, or a special three (3) mill district tax for schools.

Also:

H. 42. To make an appropriation of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the following:

H. J. R. 7. Relative to combining the Journals and Acts of the General and Special Sessions of the Legislature of 1939, in printed and bound book form.

And returns same herewith the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in the House amendment to the following bill:

S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed: and to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting

machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may had on the demand of any person whose name is proposed to be stricken from the list.'

“() Yes

() No”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 8. To grant a bank or trust company the option to refuse payment of a check or other instrument payable on demand at such bank or trust company, in the event such check or instrument payable on demand is presented more than six months after its date, and to relieve the bank or trust company of liability to the drawer or maker for dishonoring the check or other demand instrument by nonpayment thereof.

J. E. Speight,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. McGowin:

H. J. R. 13. Be it resolved by the House, the Senate concurring, that a joint committee of three from the House, to be appointed by the Speaker of the House, and a committee of three from the Senate, be appointed to await upon the Governor and advise him that the Legislature has completed its business and is ready to adjourn sine die.

On motion of Mr. McGowin, the rules were suspended and the H. J. R. 13 was adopted.

And the Speaker named as the committee on the part of the House Messrs. McGowin, Booth and Robinson of Lowndes.

REPORT OF STANDING COMMITTEE ON ENGROSSED
AND ENROLLED BILLS

Mr. Speaker:

Your Standing Committee on Engrossed and Enrolled Bills reports that it has examined the following House bills and House joint resolution.

H. 8. To grant a bank or trust company the option to refuse payment of a check or other instrument payable on demand at such bank or trust company, in the event such check or instrument payable on demand is presented more than six months after its date, and to relieve the bank or trust company of liability to the drawer or marker for dishonoring the check or other demand instrument by nonpayment thereof.

Also:

H. 12. A bill to be entitled An Act to propose an amendment to Section 74 of the Constitution of Alabama and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed and to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama:

"Section 1. The following amendment to Section 74 of the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, this date being not less than three months after the final adjournment of the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: 'Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that, unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency.'

"Section 2. Notice of the election hereby ordered, together with the amendment proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

"Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following:

"'Shall the following be adopted as an amendment to Section 74 of the Constitution of Alabama?

"'"Section 74. No Act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such Acts now existing are avoided, saving investments heretofore made; provided, however, that unless otherwise provided by the Legislature, any of said mentioned trust funds may be in-

vested in corporations or institutions, investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency."

"(') Yes

"(') No.'

"Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. "That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

"Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor."

Also:

H. 30. To authorize trustees, executors, administrators, guardians, and other persons acting in a fiduciary capacity to invest funds of their trust in interest bearing warrants of any county or city board of education in the State of Alabama, which warrants are secured by a pledge of a special three (3) mill county tax for schools, or a special three (3) mill district tax for schools.

Also:

H. 40. To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Also:

H. 42. To make an appropriation of One Hundred Thousand Dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Also:

H. J. R. 7. Relative to authorizing the Secretary of State to have the Acts and Journals of the House and Senate, of the extraordinary session of the Legislature, which convened March 16, 1939, bound together in the same volume or volumes with those of the regular session of the Legislature of 1939.

And finds same correctly enrolled.

Henry Neill Segrest,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, and House Joint Resolution the titles to which are set out in the above and foregoing report of the Standing Committee on Engrossed and Enrolled Bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and President Officer of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 18. To amend Section 2932 of the Code of 1923, so as to read as follows: The seal shall be circular, and the diameter thereof two and a quarter inches; near the edge of the circle shall be the word "Alabama", and opposite this word, at the same distance from the edge, shall be the words, "great seal". In the center of the seal there shall be a representation of a map of the State with its principal rivers. The seal shall be called the "Great seal of the State of Alabama".

Also:

S. 11. A bill to be entitled An Act to propose an amendment to Section 190 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon such proposed amendment, to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed; and to provide for the expenses of holding said election.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 190 of the Constitution of the State of Alabama is hereby proposed and an

election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for the said election is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: "Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections, including primary elections, in any county, municipality, or other political subdivision of the State, under such regulations provided by general law with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to Section 190 of the Constitution of Alabama?"

"Section 190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections and all such laws shall be uniform throughout the State, except that the Legislature may, by general or local law, permit the use of voting machines or other mechanical devices, for registering, recording and computing the votes at all elections including primary elections in any county, municipality, or other political subdivision of

the State, under such regulations provided by general laws with reference thereto as the Legislature may from time to time prescribe; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article for the registration of all qualified electors from and after the first day of January, Nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may had on the demand of any person whose name is proposed to be stricken from the list.'

“() Yes .

() No”

Section 4. The officials for such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections except that the expenses of said election shall be paid out of the State Treasury, provided the same can be paid by the State under the provisions of the Constitution.

Section 4-a. That there is hereby appropriated out of the General Funds, or any available funds of the State, such sums as may be necessary to defray the expenses of this election.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof shall be made to the Secretary of State and counted in the same manner as in elections for representatives in the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote

of a quorum present, signed the bills, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Resolution:

H. J. R. 13. Be it resolved by the House, the Senate concurring, that a Joint Committee of three from the House, to be appointed by the Speaker of the House, and a Committee of three from the Senate, be appointed to await upon the Governor and advise him that the Legislature has completed its business and is ready to adjourn sine die.

And Messrs. Tucker, Harris and Shaver were appointed as Committee on the part of the Senate.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK

To The House Of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Secretary of State on the date and hours named and that I hold the receipt of the Secretary of State for same.

Delivered to the Secretary of State at 10:35 A. M. on March 31, 1939.

H. 22.

Delivered to the Secretary of State at 12:14 P. M. on March 31, 1939.

H. 12.

R. T. Goodwyn, Jr.,
Clerk.

CERTIFICATE OF CLERK

To The House Of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hours named, and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:55 A. M. on March 31, 1939.

H. J. R. 9.

H. J. R. 11.

Delivered to the Governor at 12:20 P. M. on March 31, 1939.

H. 8.
H. 30.
H. 40.
H. 42.
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R. T. Goodwyn, Jr.,
Clerk.

REPORT OF STANDING COMMITTEE ON REVISION OF
THE JOURNAL

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs to report that we have carefully examined the Journal of the House for the seventh Legislative day and find the same to be correct.

T. T. Bagley,
Chairman.

On motion of Mr. Bagley, the reading at length of the Journal of the House for the seventh legislative day was dispensed with, and the report of the Standing Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the seventh legislative day was approved.

ADJOURNMENT

On motion of Mr. McGowin, the House at 12:30 o'clock P. M. adjourned sine die.

HUGH D. MERRILL,
Speaker of the House of Representatives of the
Legislature of Alabama, Special Session, 1939.

ATTEST:

R. T. GOODWYN, Jr.,
Clerk of the House of Representatives
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